

THE CLERGY REVIEW

"SERVILE WORK"

I. THE EVOLUTION OF THE PRESENT SUNDAY LAW.

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"THE Christian sanctification of the Sunday," said Cardinal Bertram of Breslau, in a recent allocution, "is the measure of Christian civilization."

If that is true, then it is of paramount importance that the law which seeks to ensure the sanctification of Sunday should be correctly understood and effectively applied. It would seem, however, from the petulant tone of review articles of the last thirty years and more, that one at least of its prescriptions, the prohibition of "servile work," is neither understood nor applied to the general satisfaction of the clergy. "The problem of servile work," said an editorial reply of the *Ami du clergé*, in 1903, "is as muddled a question as any in moral theology"; and a writer in the *Revue du clergé Français*, of 1904, who tabulates five different methods of defining servile work, representing five different points of view, remarks:

On le voit, c'est l'arbitraire, l'embarras, l'incertitude, la contradiction dans les principes mêmes. . . . Et quand il s'agit de déterminer ce qui est permis, toléré ou défendu le dimanche . . . ils se contredisent les uns les autres à qui mieux. . . . On s'y perd, on ne peut s'y reconnaître, c'est un vrai tohu-bohu.

Allowance made for Gallic hyperbole, it remains true that the Sunday law is a problem, and, moreover, a problem claiming an early solution.

One clue to its solution, we are convinced, lies in the history of the law's evolving, in the story of how, why, and when that work which we call "servile" became

the exclusive object of the law of abstention from labour. True, the law is what it is, and not what it might have been, but since history had a hand in the formation of the law, it may well provide a clue to that partial reformation which is commonly admitted to be the only way out of the present impasse. It will at least save us from paying undue reverence to a formula.

Examination of the New Testament and of the Apostolic Fathers yields no more than negative evidence. There is mention of a Sunday liturgy, eucharistic and resurrectional in character, but no reference to an accompanying repose. One thing, however, is abundantly clear, both from the writings of St. Paul¹ and from those of the earliest Christian witnesses:² the Sunday was certainly not conceived as a species of Christian Sabbath. The Christian observes the Sabbath Law, according to S. Irenaeus, Origen, and indeed nearly all the exegetes of the first five centuries, not by abstaining from Sunday labour, but by abstaining, daily, from the servile work of sin. The law and the legal terminology have ceased to hold in the literal sense, and though the Sabbath and the Sunday are perhaps comparable as weekly days of worship, the early Fathers do not appear to have adverted to any direct historical relation between them as days of rest.

Liturgical necessity eventually supplied for the lack of positive law, and by the end of the second century it was already an accepted Christian tradition, according to Tertullian—"die dominico . . . ab omni anxietatis habitu et officio cavere . . . diferentes etiam negotia ne quem diabolo locum demus."³ It is to be noted, however, that no distinction is drawn between servile and liberal occupations, for in all engrossing activities alike there was danger that the Christian might neglect what the third century *Didascalia* characterizes as "the real work" of the Christian Sunday, the worship of God.⁴

To this long-standing tradition was added an important

¹ Gal. iii. 13; iv. 10, 11; Coloss. ii. 16, 17.

² μηκέτι σαββατίζοντες, ἀλλὰ κατὰ κυριακὴν ζῶντες.—*Ad Magn.*, IX, 1; Funk: *Opera Patrum Apostolicorum*, Tübingen (1901), I, p. 237.

³ *De Oratione*, n. 23—P.L., t. 1, c. 1191.

⁴ Translated from the Syriac by Margaret D. Gibson, in *Horae Semiticae* (II), London (1903), p. 67-68.

civil sanction, when, on March 7th, A.D. 321, Constantine the Great issued an edict ordering the observance of a general civic and industrial repose on the "day of the sun."⁵ Strange as it may seem, an express exemption was made in favour of rural labour. The reason given was the vagaries of the weather, but if, as Eusebius tells us, the purpose of the law was to facilitate attendance at public worship, the exemption is better explained as a measure of prudence, for the "pagani" were still pagan and rural parishes practically non-existent.

The same prudent moderation in the phrasing and application of the Sunday law continued to prevail throughout the fourth century both in patristic and in conciliar pronouncements. There was, it is true, in certain semi-Jewish communities, such as Alexandria, a lingering tendency to observe both Sabbath and Sunday, and, as a result of this juxtaposition, a sabbatarian conception of the Sunday repose in those parts.⁶ But the Church was quick to scent the danger, and the Council of Laodicea (circa A.D. 370), in the first conciliar decree on the Sunday rest of which we have record, peremptorily recalled the faithful to the traditional doctrine and practice of Christianity, with this admonition :

Quod non oportet christianos iudaizare, et in sabbato otiari, sed ipsos eodem die operari : diem autem dominicum praeferentes otiari, si modo possint, ut christianos. Quod si inventi fuerint iudaizantes, sint anathema apud Christum.⁷

This decree would seem to have been instrumental in stemming the retrogressive movement towards sabbatarianism and towards pharisaical ideas of the Sunday repose, for contemporary documents nearly all suppose a large measure of freedom. S. Jerome, for example, tells a story of the nuns of Bethlehem, who, he says, "went to church on Sundays only . . . and on their return diligently pursued their allotted tasks and made garments either for themselves or for others." True, he says of the Cenobites of Egypt that "on Sundays they gave their attention solely to prayer and reading"; nevertheless, the example of the Bethlehem community

⁵ *Codex Iustiniani*, l. III, tit. XII, de feriis, n. 3.

⁶ *Constitutiones Apostolicæ*, VIII, s. 33, n. 1, 2—P.G., t. 1, c. 1134; Eusebius of Emesa, sermo XVI—P.G., t. 86 (1), c. 414 ff.

⁷ Can. 29—Mansi : *Concilia*, t. II, c. 570.

is given as part of a general eulogy and is cited without adverse comment of any kind.⁸ Moreover, there is a parallel example in the *Historia Lausiaca*, which tells of the holy nun Taor, and apparently with approval, that she never left her convent, and that, even on Sundays, when the others went to church, she remained alone in her cell, "operi assidue assidens."⁹ To such an extent, indeed, is the Sunday repose subservient to the needs of church attendance that, apart from them, it would seem to involve no strict obligation.

S. Augustine, strange to say, makes little or no positive contribution to our idea of the Sunday repose of his day, but he has left some useful negative evidence in his treatment of the Sabbath question. Concerned as he was to rehabilitate the decalogue, not indeed as positive law, but as an invaluable framework for Christian moral theology, he had perforce to find a suitable application in the Christian discipline for the third or Sabbath commandment. It is, therefore, a point of unusual significance (especially in view of the conception—to our mind, erroneous—which later gained hold in the West) that S. Augustine did not explain the Sabbath law as a prototype of the Sunday law, nor the scriptural prohibition of servile work as a norm of the Christian day of rest. The third commandment had ceased to urge as a carnal law and was valid to the Christian only as a spiritual admonition.¹⁰ "The Christian," he says, "observes the Sabbath by abstaining from servile work. For what does abstention from servile work mean? It means abstention from sin. . . . 'Whosoever committeth sin, is the servant of sin' (John viii. 34)."¹¹ And Pope S. Leo, who stresses the moral rather than the allegorical interpretation of the third commandment, reaches substantially the same conclusion.¹² In view, therefore, of

⁸ Ep. 108, n. 19—P.L., t. 22, c. 896; Ep. 22, n. 35—P.L., t. 22, c. 420.

⁹ c. 138—P.G., t. 34, c. 1238.

¹⁰ Ep. 36, nn. 23, 24—P.L., t. 33, c. 147. Cf. Ep. 55, c. 12, n. 22—P.L., t. 33, c. 214: "Ideoque inter omnia decem illa praecepta solum ibi quod de sabbato positum est, figurate observandum praecipitur."

¹¹ In Ioann., III, n. 19—P.L., t. 35, c. 1404.

¹² Sermo 17, c. 1—P.L., t. 54, c. 180.

the rigorism which the theologians of the new era, born of the barbarian invasions, endeavoured to introduce into the Christian observance of Sunday, the moderation of this last century of Christian antiquity, and the anti-sabbatarianism of its representative voices cannot be too strongly emphasized.

Furthermore, it is sometimes suggested that our modern distinction between forbidden servile and lawful liberal work had its origin in the solicitude of the early Church for the protection of the slave. No one doubts that solicitude, but apart from a sermon attributed to a certain Eusebius of Emesa, *alias* of Alexandria, and a casual mention in the apocryphal *Constitutiones Apostolicæ*, I have looked in vain for any significant reference to the slave in connection with the Sunday law. And in all the literature of the first five centuries I have not found a single usage of the term “opus servile” except in exegesis of the Old Testament passage in which the term first received its juridical sense, and even then it is not interpreted of the heavy manual labour of the slave, but of the slavery of sin. Our modern distinction derives, indeed, not from Christian antiquity, but from the sabbatarian parallelists of the early Middle Ages, who, instead of attributing the Sunday law to apostolic tradition, based it expressly on the Third Commandment and regulated it mainly in accordance with the prescriptions of Exodus and Leviticus.

The prime mover in this revolutionary change of sentiment was, apparently, S. Cæsarius of Arles (A.D. 470-542). Confronted with a hastily converted peasantry, many of whom out of heathen superstition were wont to rest on Thursday in honour of Jove, he sought to win them rather to the custom of Sunday repose, and in order to counteract the superstitious parallel of heathenism, chose to appeal instead to the apparent parallel in Sacred Scripture. “Let us, therefore, keep the Sunday,” he writes, “and let us sanctify it, as was prescribed to the men of old (concerning) the Sabbath.”¹³

Whether S. Cæsarius was the cause or only the interpreter of the sabbatarianism of his time is not altogether

¹³ Append. Aug., sermo 280, n. 3—P.L., t. 39, c. 2274. I say “apparent” because, to the early Fathers, there was no real parallel between Sabbath and Sunday, save as days of *worship*.

clear; but in any case it provoked a prompt reaction at the Council of Orleans (A.D. 538), which stigmatized all extreme rigorism as a Jewish rather than a Christian observance and decreed "ut die dominico quod antea fieri licuit, liceat. De opere tamen rurali," adds the Council, "censuimus abstinendum, quo facilius ad ecclesiam convenientes orationis gratiae vacent."¹⁴

This decree, if it repressed excesses, did not stay the advance of sabbatarian parallelism, and a decisive step towards complete identification followed only a little later in the century when Martin, Archbishop of Braga, publicly adopted not only the Sabbath parallel but the Sabbath phraseology as well. It is in the *De Correctione Rusticorum* (c. 18), of this outstanding Spanish churchman, as W. Thomas well remarks, that "we find the Irenaeian conception of 'opus servile=sin' converted for the first time into a technical term to cover the range of forbidden Sunday labour."¹⁵ Orleans had discountenanced "rural labour." Martin of Braga goes a step further and forbids "servile work," which he expressly identifies with rural labour. Nor is the difference merely one of terms: it is a revolutionary difference of principle. In substance, he was only forbidding what had already been banned by a great regional council, but he was forbidding it under a new title. By recalling the term "opus servile" from the limbo of Old Testament ceremonial terminology and explaining the Sunday repose in the language of Leviticus, Martin of Braga had gone a long way towards reducing the Sunday to a species of Christian Sabbath.

That this is no exaggeration may be seen from the extraordinary stories of "strafwunder" occasioned by violation of the Sunday repose, which Gregory of Tours records in abundance as a salutary caution to his contemporaries. A poor peasant, for example, on his way to church one Easter Sunday morning, sees a herd of cattle trampling down his crops. Bemoaning the loss of his year's endeavour, he seizes an axe and, cutting down a branch, closes up the entrance to his field, only to be smitten on the spot with a cruel contraction of

¹⁴ Can. 28—Mansi, t. IX, c. 19.

¹⁵ *Der Sonntag im frühen Mittelalter*, Göttingen (1929), p. 29.

the hand.¹⁶ And what of this? “A certain girl was arranging her hair, one Sunday, when the comb she was grasping—I do believe it was because of the affront offered to the holy day—stuck in her hand in such a way that the teeth, embedded both in her fingers and in her palms, caused her great pain.”¹⁷

Other such stories might be quoted, but these, I fancy, will suffice to show how soon sabbatarian analogies lead to sabbatarian practices. Nor was Gregory alone in his rigorism, for it was about this time that Vincent, Bishop of Iviza, published from the pulpit the notorious epistle “In nomine Jesu,” which purported to have dropped from heaven and which, under dire threats, summoned the faithful to a pharisaical observance of the Sunday rest. It was promptly rejected as a judaizing forgery by Licinian, Bishop of Cartagena, who, inspired evidently by a text of S. Augustine, remarked: “I would that Christian folk, if they frequent not the church on this day, would do some work, and refrain from dancing.”¹⁸

But the trend of opinion was against Licinian, and in the following year, A.D. 585, the Council of Macon expressly declared that Sunday “is the perpetual day of rest foreshadowed in the seventh day and made known to us in the Law and the Prophets.”¹⁹ King Dagobert, therefore, was only carrying the argument to its logical conclusion when, in A.D. 630, he phrased his Sunday law as follows: “Die dominico nemo opera servilia praesumat facere, quia hoc lex prohibuit et sacra scriptura in omnibus testavit.”²⁰

At Rome, meanwhile, the movement seems to have met with less favour. S. Gregory, writing to his suffragans in A.D. 603, not only branded the practice of observing the Sabbath as “contrary to faith,” but with equal vigour recalled the faithful to a Christian conception of the Sunday rest, which he describes in

¹⁶ *Vitae Patrum*, c. XV, n. 3—P.L., t. 71, c. 1075.

¹⁷ *Ibidem*, c. VII, n. 5—P.L., t. 71, c. 1040.

¹⁸ P.L., t. 72, c. 699 ff. For a later copy of the Epistle, see Baluzius: *Capitularia Regum Francorum*, Paris (1780), t. II, c. 1396-99.

¹⁹ Ep. Synod., c. I—Mansi, t. IX, c. 949-50.

²⁰ Capitulare II, in the *Lex Alamannorum*, c. 38—Mansi, t. XI Append., c. 47-48.

patristic fashion—"a labore terreno cessandum est."²¹ Nevertheless, within a few years, the terminology of Dagobert had received canonical sanction, for the Council of Rouen concluded its fifteenth canon with this brief levitical precept: "et ut dies festi a vespera usque ad vesperam absque opere servili cum debito honore celebrentur."²²

This decree of Rouen marks the final stage in the legislative development of the Sunday rest. The principle here laid down, of an obligatory repose lasting twenty-four hours and extending to all servile occupations and only to such, receives further specification in conciliar utterances of later date, but no substantial alteration. Rigorism is henceforth the order of the day, and the severity of the penalties prescribed, surpassing, as it does, anything the Pharisees ever dreamed of, shows conclusively that sabbatarian analogies led to sabbatarian terminology and sabbatarian terminology to sabbatarian practice.

If proof is needed, it is sufficient to peruse the various national legislations of the seventh and eighth centuries. The *Lex Visigothorum*, the *Lex Alamannorum* and the *Lex Baiuvariorum*, for example, represent a crescendo of severity in penal enactments against violation of the sacred repose, punishing delinquents with floggings, confiscation of property, enslavement and even mutilation, and all because of the supposed "praeceptum Domini."²³ True, these are civil documents, but in an age which hardly distinguished between civil and religious authority, they must necessarily have mirrored the ecclesiastical mentality of their time, and would certainly count for as much as any canonical decree in the fashioning of popular theory and practice.

And if we turn to the flourishing English and Irish churches of this time, we shall find the same general influences at work and, by the end of the eighth century, the same general result. The *Hibernensis*, for example, quotes Jeremias xvii. 21, as though it were still legally

²¹ Epist., l. XIII, Indict. VI, ep. 1—P.L., t. 77, cc. 1253-55.

²² Can. 15—Mansi, t. X, c. 1202; cf. Leviticus, c. xxiii., 3, 8, 32.

²³ "Et si noluerit custodire praeceptum Domini, quia Dominus dixit: 'Nullum opus servile facias in die sancto . . .'"—*Lex Baiuvariorum*, tit. VII, n. 4—ed. K. Zeumer in *Mon. Germ. Hist.*, L.N.G., t. V, p. II, pp. 349-51.

binding. In England, the *Poenitentiale Theodori* apparently intended to call a halt, for it supports its restrained legislation with an appeal to the tradition of the “Greeks and Romans” only, and S. Bede too, as one might have expected, stood out unhesitatingly in favour of the primitive doctrine of the Church. But contemporary legislators such as King Ina of Wessex²⁴ and the Council of Berghamstead of A.D. 697²⁵ followed the continental fashion of their time, both in the severity of their enactments and in the biblicism of their terminology; and it was the verdict of the legislators rather than of the patristic scholars, in England and in Ireland alike, that was destined to mould the Sunday of the future.

The Cain Domnaig, an Irish document, which Pribsch dates from the ninth century, decrees as follows:

The sanctity of the Lord's day is from Vespers on Saturday till after matins on Monday. It shall be without riding, without beginning of a journey, without selling, without covenant, without suing, without giving of judgment, without cropping of hair or shaving, without washing, without bathing, without any unrighteous deed, without aimless running, without grinding of corn, without baking, without churning, without splitting of wood, without house-cleaning, without load on ox or horse or man, without any work which is the due of servitude, without going by anyone outside the boundaries of the district in which he resides, except for a proper reason.²⁶

Appended to the Cain Domnaig is a version of the Sunday epistle of Jesus Christ, sanctioning the severity of the former with dreadful threats of divine vengeance—“flagellabo vos duris flagellis,” and the like. An Anglo-Saxon version of this letter eventually gained currency in England also, and was twice quoted *in extenso*, from the pulpit, by Wulstan, Archbishop of York (1003-1023). It is possible, of course, to exaggerate the influence of such documents, but they must certainly have affected the ideas of the half-educated clergy and the illiterate populace of their day, at least to the extent of creating a false conscience.²⁷

²⁴ *Leges Eccl.*, III—Mansi, t. XII, cc. 57, 59.

²⁵ Can. 10-12—Mansi, t. XII, c. 112-13.

²⁶ Maclean's translation, apud Thomas, o.c., p. 72-73.

²⁷ For the later history of this letter in England, see Thurston, art. “The Mediæval Sunday” in *The Nineteenth Century*, Vol. XLVI (1899), p. 36 ff.

Meanwhile, on the Continent, the Carolingian renaissance of learning had not materially altered the situation, for the decisive factors had already played their part, and there could be no question of a brusque return to the theory and practice of antiquity. Hence "the significance of the Sunday laws of Charlemagne lies not in their theology, but in their *nichttheologie*. They are police regulations."²⁸ Scholars such as Alcuin and S. Paulinus of Aquileia continued, indeed, to preserve a sense of values, but their individual efforts at harmonizing the law with its antecedents were of little avail, and the chaotic condition of Sunday theology was constantly made evident by fresh anomalies. Thus we find a Roman council of A.D. 826 basing its prohibition of servile work on the "divina vox," and quoting at length from the biblical texts which imposed a like obligation on the Israelites, while a Parisian council, three years later, legislating on the same subject, omits all reference to "servile work," and appeals merely to a custom, based on apostolic tradition and ecclesiastical authority, of honouring the Sunday in memory of the Resurrection. And this confusion was destined long to remain, for ecclesiastical writers of the tenth to twelfth centuries were mostly compilers of already existing documents, so that little attempt was made to bridge the gap between theological tradition and legislative practice until, with the opening of the great scholastic era, the systematization of theology in general was begun in earnest.

The first great step in this direction was taken by S. Thomas (2a 2ae, qu. 122, a. 4). Beginning characteristically at the root of the problem, he weighed the precise value in the Christian discipline of the third or Sabbath commandment, and decided that its only remaining force was that which it obtained as an expression of the natural moral law, whereby man is bound to devote some at least of his time to the service of God and his own spiritual needs. This truth had become obscured in the course of time and S. Thomas could not hope to re-write history. He could, however, and did attempt to clear away the misconception to which it had given rise: "the observance of Sunday,"

²⁸ Thomas, o.c., p. 68.

he pointed out, "succeeds in the New Law to the observance of the Sabbath, not in virtue of the precept of the Law, but in virtue of ecclesiastical statute and the custom of Christian folk."

Still, the ecclesiastical statutes of the Dark Ages had, in actual fact, canonized the precept of the Mosaic Law against "servile work" as the norm of Sunday observance, and S. Thomas had no choice but to interpret the scriptural text. He distinguished three forms of servile work, according to the three possible forms of servitude—of sin, of man, and of God; and, arguing from the end of the law, maintained that it was directed primarily against the servile work of sin, and only secondarily against the servile work of man.²⁹ The servitude of man consists essentially in corporal acts, and yet not all such are servile, because there are evidently some equally common to the servant and to his master. Therefore, the law in its secondary sense must be said to forbid all and only those corporal acts which are "proper to servants."

It is to the *Summa* of S. Raymund of Pennafort, which became the standard manual of parish priests and confessors in the later Middle Ages, that we owe the popularization of the Thomistic doctrine. But it was a diluted version, for consideration of the end of the law, divine worship, became an increasingly important factor in determining the connotation of the term "servile work," leading S. Raymund himself to favour a descriptive rather than a logical definition,³⁰ and causing most subsequent writers to attach considerable importance to the presence or absence in a given occupation of the motive of gain. Whether or not the motive of gain can change the character of an act from liberal to servile, it undoubtedly sets as great an impediment to spiritual concentration as the mere "*esse corporale et servientibus proprium*" of an action, and it was the degree of the impediment posited which counted for most with the later mediæval manualists. Thus William of Rennes held it servile for students to transcribe on

²⁹ Servile work occasioned immediately by the service of God is evidently exempt; indeed, it forms part of the object of the Sunday repose.

³⁰ *Summa Raymundi*, l. I, tit. XII, s. 1—Veronae (1744), p. 110.

a large scale, or hire out their services as correctors of manuscripts, and Richard of Middleton said the same of all work that had temporal gain as its immediate end and object.³¹

It is not clear that S. Thomas would have allowed such extensions of his definition, but S. Antoninus evidently saw nothing incongruous in them, for he couples, in his *Summa*, the text of S. Thomas with the precisions and applications of two centuries of casuistry, declaring it servile, for example—"scribere pro pretio, ut de quaterno in quaternum vel instrumenta."³²

A *consultatio* of the theological faculty of the Sorbonne, in A.D. 1426, supplies an excellent summary of current doctrine and illustrates to perfection the divergent tendencies of the time. Four of its six points are a mere paraphrase of the Thomistic teaching, but there is nothing Thomistic in either of the following :

We must abstain from servile works capable of distracting us from the service of God.

Servile works performed with a view to temporal gain are forbidden.³³

The tendencies here epitomized attained their fullest expression towards the close of the fifteenth century in the widely read casuistic manual of Angelo of Clavasio (ob. 1495), who frankly abandoned the Thomistic position and offered an entirely new solution. It was not enough, he said, that a work was materially servile; it must be both materially and formally servile :

Et hoc est omne opus corporale ordinatum, sicut ad principalem et primum finem, ad bonum corporis temporale seu ad lucrum, et istud est illud quod prohibetur de praecepto diebus festivis.³⁴

The *Summa Silvestrina* of Silvester of Priero (ob. 1523),

³¹ The same idea appears in the *Spiritual Letters of Barsanuphius and John* (A.D. 530) and in c. 19 of the synod of Jesuyahb (A.D. 585) : see *Dictionnaire d'Archéologie Chrétienne*, I (2), c. 2809, and IV (1), c. 950.

³² *Summa Antonini*, p. II, tit. IX, c. 7—Veronae (1740), t. II, c. 985.

³³ *Collectio Iudiciorum*, t. I, p. II, pp. 225-26; apud Feret : *La faculté de théologie de Paris*, Paris (1897), t. IV, p. 109.

³⁴ *Summa Angelica*, art. Feriae, n. 9 ff.—ed. 1513, folio 110.

second only to that of Angelo in popularity, bears him out on all essential points.

The later mediæval summists, in other words, were dissatisfied with the Thomistic doctrine, because it concentrated on the received text and defined "servile work" according to its logical connotation, instead of appealing to the motive of the law in order to include under it those other occupations which were quite as injurious to the spirit of observance. Strictly speaking, S. Thomas was right, because "the end of the law does not fall under the law": but that did not remove the practical difficulty, and so the summists evolved a new definition which would. In this they were at fault. They would have been better advised to attempt a modification of the text of the law. Custom had restricted the ban to "servile work," and custom might have been induced to extend it to all and only those works which offend against the reason of the observance. The summists chose instead to interpret "servile" as "mercenary," and that left them open to attack.

The attack came first from Cajetan, who argued at considerable length that the mere presence of the mercenary motive does not render an act servile and therefore forbidden.³⁵ His arguments, and those of the Salmanticenses who go into the question with equal fullness, are somewhat irrelevant, for they presuppose the Thomistic definition—"opus corporale et servientivus proprium," which is largely the point at issue. Nevertheless, the weight of theological opinion went in their favour, and the principle of the irrelevance of the motive of gain has remained since their time fundamentally unchallenged, though modern ideas of what constitutes servility would seem to demand that it be tempered with certain qualifications.

Having thus excluded all extrinsic considerations, the great theologians of the sixteenth to eighteenth centuries formulated a definition of servile work based solely on the intrinsic nature of the act. The Salmanticenses embody the common doctrine when they define it as a work which, performed by a bodily organ and directed naturally to bodily utility, is by reason of its very

³⁵ Comment. in 2am 2ae, q. 122, a. 4—Romae (1773), t. VI, p. 216.

institution normally performed by servants.³⁶ To this conception, as Suarez notes, the question of the degree of labour or physical fatigue involved is altogether foreign. A day spent in consulting a number of ponderous volumes might entail considerable physical exhaustion, but it would not be servile. Contrariwise, an occupation which involves little time or effort, but complies with the definition, might indeed be easily excusable, but would fall none the less under the category of servile work.³⁷

On the actual definition, therefore, the great theologians of the counter-reform were practically unanimous: but when they came to draw the line of demarcation between corporal and mental activity, they fell at once into complete and lasting discord. Disturbed as they were in judgment by the social preconceptions of their age, they found it impossible to discern by the terms of their definition the precise nature of such activities as writing, transcription and typesetting, painting and sculpture, hunting and fishing, travelling and transport; and to make confusion worse confounded, the admittedly irrelevant question of motive was constantly dragged in, along with other extrinsic factors, to solve a knotty problem. Some of these problems were eventually solved by tacit abandonment of the rigid terms of the definition and surrender to common sense, but as social habits and prejudices changed, fresh enigmas took their place.

Nevertheless, the teaching of Cajetan, Suarez, the Salmanticenses and Billuart is substantially the classical manualist doctrine of to-day. There have been certain developments in particular application, to suit the vagaries of time and circumstance, but no fundamental change of principle. For this, Hermann Busembaum was in large measure responsible. Better perhaps than any of his contemporaries he sensed what opinions had come to stay, and by embodying them in a manual which ran through some two hundred editions before the year 1776, and won such eminent commentators as La Croix, S. Alphonsus and Ballerini, he effectively stabilized

³⁶ Salmant., tr. XXIII, de 3^o praecepto, c. I, p. XI, s. 1—Venetiis (1750), II, p. 309.

³⁷ Suarez: *De Religione*, tr. II, l. II, c. XXIII—Opera Omnia, Paris (1859), t. XIII, p. 347.

theological teaching on this and many other minor questions. After all, it is humanly impossible for any man to make a thorough, first-hand study of every point of natural and positive law, and with so many major questions awaiting solution, it is not surprising that most standard moralists of the last two hundred years have been content to copy out, almost verbatim, the principles and casuistry of their predecessors in this minor field.

But the concrete result of this artificial unanimity is that we are still confronted by the same practical difficulty in the application of the law, and the same complaints of unreasonableness from well-instructed Christians who yield nothing to the theologian in their desire to see the Sunday observance properly maintained. The law of festal repose, when all is said and done, is not a matter of text-book theory, but of ecclesiastical practice. It grew from practice and for a long time was regulated solely by practice. Theory was several centuries late in coming into the field, and when it came its only claim to consideration was that it might serve as an aid in the practical interpretation of the law. Instead, however, of formulating a definition whose primary object would be to safeguard that flexibility of adaptation which is characteristic of *ius consuetudinarium*, it tended to supplant it with a scholastic *ius scriptum*, based primarily on an abstract philosophical consideration of the term "servile work," which conceded to custom and common estimation, not the interpretative voice that is their prescriptive right, but a mere derogatory force.

There has been too much etymological theory, and too little doctrinal allowance made for that adaptability to changing circumstance which is indispensable to a law whose terminology must depend for its meaning on the sense of propriety of each succeeding generation of loyal Christians. If the result has been a certain rigidity, it was demonstrably neither the intention nor the work of the Church:

"Phénomène digne de remarque," says Villien, "en tout ce processus l'Eglise ne légifère que dans les conciles particuliers; les papes n'édicte pas de lois: Nicholas I, Nicholas II, Alexander III acceptent la coutume comme elle existe sans l'étendre ni la fixer, et le concile de Trente,

qui a légiféré sur tant de choses, parle à peine, et en passant, de la matière qui nous occupe. Loi coutumière à l'origine, la loi du repos dominical est demeurée loi coutumière."³⁸

Juridically, that is true; but there is reason for holding that theologically the law has ceased to march with the times. Custom and common estimation have changed radically since the French Revolution and the industrial revolution, and even since the Great War, but we have yet to note any appreciable re-adaptation in the treatment of forbidden Sunday occupations in the theological manuals.

[A second article, " Criticisms and Suggestions," will follow in a later issue.—EDITORS.]

³⁸ *Histoire des commandements de l'Eglise*—Paris (1909), p. 103.

NON-CATHOLIC CO-OPERATION

BY RICHARD O'SULLIVAN, K.C.

IN a notable contribution which he lately made to *La Vie Intellectuelle*¹ Professor Etienne Gilson has a striking passage on the trend of history in our time: "S'il est vrai que notre temps assiste à l'un des faits historiques les plus importants, et même le plus important qui se soit produit depuis la conversion de l'Europe au Christianisme: le refus de Christianisme proclamé pour la première fois par l'Europe, la décision consciente, prise par le monde moderne, non seulement de ne plus adhérer à la foi chrétienne, mais de ne plus vivre sur le capital moral que lui a légué le Christianisme, de s'organiser sur des bases nouvelles qui ne devront plus rien au Christianisme, tout se passe comme si l'œuvre de plusieurs siècles se défaisait sous nos yeux. Que nous reste-t-il à faire? Rien, sinon de la recommencer."

The conscious rejection by England of the Christian Faith is recorded in a judgment of the House of Lords in the year 1917 which decided that Christianity is no longer a part of the law of England.² The significance of this decision is not lost on the historian of the English Law:

How far the Law as it exists to-day is likely to be beneficial to the State and the community remains to be seen. It is not unlikely that those who have abandoned all belief in the authority of God will carry their scepticism a little further and begin to question the authority of the State. The Christianity upon which the State and the Law were once founded, though it might at times unduly magnify the authority of the Church, recognized the need for the secular arm of the State and generally supported its authority. But what of the various non-Christian or anti-Christian sects which seek to take its place? . . . It does not follow that unlimited licence to propagate views and theories at variance with broad principles of Christian morality will be wholly unproductive of political effects. History lends no countenance to such a conclusion; and the proved efficacy of propaganda supports its teaching. In fact, it is not

¹ 10th October, 1934.

² *Bowman v. The Secular Society* (1917), A.C., 406.

unlikely that Cæsar, now that he has deliberately abandoned the task of securing for God the things that are God's, will find considerably greater difficulty than heretofore in securing for himself the things that are Cæsar's.³

This deliberate rejection of Christianity means that in England the controversy in which we are engaged is no longer debated on the superior plane of grace and faith, but is now engaged on the inferior plane of reason and of nature. The fact is manifest. The Catholic effort is now primarily concerned with the affirmation of the rational character of man and with the defence of his physical integrity; and of the moral law. In his book on *The Chief Sources of English Legal History* Professor Winfield of Cambridge speaks of Natural Law as "a topic of Historical Jurisprudence which has long since had its brains knocked out."⁴ Among the latest batch of publications in England is a book entitled *Sex Ethics: Principles and Practice of Contraception, Abortion and Sterilization*.⁵ The institutions offered to our hope, by what is called progressive opinion, are the secular school, the register office, the birth prevention clinic, the sterilization committee and the lethal chamber. Of a truth the world in which we live is organizing itself on bases that are no longer Christian. The analysis of Monsieur Gilson is accurate: "Que nous reste-t-il à faire? Rien, sinon de recommencer."

In the task that lies before us it may be useful to bear in mind a certain leading characteristic of English life and thought to which a French jurist has called attention. "The ideas which naturally and immediately carry weight in France must be founded on the feeling of sympathy with humanity in general, while the ideas which impress the English mind must be based on the feeling of sympathy with past generations. The English like the idea of a narrow path reaching far back into antiquity in which they see the centuries of their national life ranged in a long vista one behind the other. The English Constitution is strongly marked by this turn of mind. Historical descent is the very soul of it, just as an ideal fraternity has always been the soul of the

³ Holdsworth : *History of English Law*, Vol. VIII, 420.

⁴ Harvard University Press, 1925, p. 315.

⁵ Bailliere, Tyndal and Cox, 1934. 12s. 6d.

French Constitution."⁶

The historical bent of the English mind is illustrated in all sorts of ways. The Battle of Waterloo, you will remember, was won on the playing fields of Eton. In the great crises of English political history men have been apt to demand the re-affirmation of Magna Carta or to debate its meaning. In the crises of French history (even when the enemy was at the gate) the French Parliamentarians have preferred a philosophical theme and have made fresh Declarations of the Rights of Man.

The Catholic effort to restore the Christian Faith in England must accordingly take into account this historical bent of the English people. The future of the Faith will be determined in large measure by the view that the men and women of England take, that is to say by the view they are given, of their own past history. In this work of restoration of a Catholic historical perspective and sense of values Mr. Hilaire Belloc has shown himself a brilliant pioneer, and those who follow will always owe much to the leader who blazed the trail. Too few have so far followed his lead, and if the Catholic body were to depend solely on the work of Catholic historians the progress of the Church in England would be slow indeed.

Happily there are not a few outside the fold whose search for truth has made them valuable (and perhaps even unconscious) allies. The purpose of this paper is to direct attention to some of the work that they have done and to make acknowledgment of some of the courtesies that have been shown by these non-Catholic brethren who have restored the prestige of great Catholic names in English history and who have made manifest the contribution of the Catholic centuries to national and international life.

For a lawyer the first of these names must always be the name of Frederick William Maitland, the author of the famous work on Roman Canon Law in the Church of England and (with Sir Frederick Pollock) the author of two notable volumes on the History of English Law.⁷

⁶ Boutmy : *Studies in Constitutional Law*, p. 43.

⁷ We do not here attempt a full enumeration of the works of Professor Maitland, which will be the subject of an article by Fr. Beck, A.A., in a later issue of the CLERGY REVIEW.

On the last page of his *History* Maitland has this to say of the priests and canonists who were the founders of the English Common Law :

The Law of the age that lies between 1154 and 1272 deserves patient study. It is a luminous age throwing light on both past and future. . . . But we wrong this age if we speak of it only as of one that throws light on other ages. It deserves study for its own sake. It was the critical moment in English legal history and therefore in the innermost history of our land and of our race. It was the moment when old custom was brought into contact with new science. Much in our national life and character depended on the result of that contact. . . . Those few men who were gathered at Westminster round Pateshull and Raleigh and Bracton were penning writs that would run in the name of kingless commonwealths on the other shore of the Atlantic Ocean; they were making right and wrong for us and for our children.⁸

Again :

During the whole of the twelfth and thirteenth centuries English law was administered by the ablest, the best educated men in the realm : by the self-same men who were the "judges ordinary" of the Church's Courts. At one moment Henry II had three bishops for his Archjusticiars. In Richard's reign we can see the King's Court as it sits day by day. It is often enough composed of the Archbishop of Canterbury, two other bishops, two or three archdeacons, two or three ordained clerks, and two or three laymen. The majority of its members might at any time be called upon to hear ecclesiastical causes and learn the lessons in law that were addressed to them in papal rescripts. It is by popish clergymen that our common law is converted from a rude mass of customs into an articulate system; and when the popish clergymen, yielding at length to the Pope's commands, no longer sit as the principal Justices of the King's Court, the creative age of our mediæval law is over.⁹

The conclusions of Maitland on all these matters are confirmed and re-affirmed in the monumental work of Professor Holdsworth of Oxford University.¹⁰

The specialist studies of Maitland in the Mediæval Canon Law have been amplified by Mr. Z. N. Brooke of Cambridge University in a valuable work on *The*

⁸ Pollock and Maitland : *History of English Law*, 1911 edition, Vol. II, pp. 672-4.

⁹ Pollock and Maitland : *History of English Law*, I, pp. 132-3.

¹⁰ *History of English Law*. Nine volumes. 1922-1926.

English Church and the Papacy from the Conquest to the Reign of John.¹¹ Of particular value is his elucidation of the expression *Ecclesia Anglicana* which appears in Magna Carta¹² and in many other documents of historical importance.

The author of *The English Church and the Papacy* shows that Professor McKechnie, who wrote the classical text-book on Magna Carta, was in error when he taught that the freedom which John promised in the Charter to the *Ecclesia Anglicana* meant freedom against the Pope:

This liberty which the English Church was granted by Magna Carta was liberty from royal interference not liberty from papal control; rather, as with Becket, it implied liberty to be under papal control. How could the King's charter grant freedom from papal control? That would have needed a papal charter. And how could the nobles, lay and ecclesiastical, imagine that by this clause they could secure a double liberty for the English Church? Already it had received the blessing of Innocent III when sent to him in the Charter of Liberties for the English Church. It did exactly what the Pope wanted; it gave freedom of canonical election to the English Church. In other words it allowed the English Church to be controlled in the matter of elections by the Canon Law of the Church. Can anyone think that it was desired to prevent the Pope from controlling elections? The fact is that Professor McKechnie has misunderstood what the claim for "the freedom of the English Church" really was. It makes no sense at all if *Ecclesia Anglicana* is given a patriotic and national implication.¹³

On another point also Mr. Brooke comes to confirm Maitland. The latter had pointed out that in the Middle Ages there was no ecclesiastically organized body that answered to the name of the "Church of England."

You wish to sue as co-defendants a man who lives at Lincoln and another who lives at York. What are you going to do? No English Prelate has power over both these men. In the judicial system Canterbury is a unit and York is a unit but England is no unit. No tie of an ecclesiastical or a spiritual kind bound the Bishop of Chichester to the

¹¹ Cambridge University Press, 1931.

¹² Cp. Clause 1 of the Great Charter: *Quod Anglicani Ecclesia libera sit et habeat jura sua integra et libertates suas illaesas.*

¹³ *The English Church and the Papacy*, pp. 17 and 18.

Bishop of Carlisle except that which bound them both to French and Spanish Bishops.¹⁴

And Brooke adds :

It is a commonplace to say that the English Church in the Middle Ages was composed of two Provinces each with a separate Convocation and that the whole Church did not meet together to act officially as a united body except when summoned by a papal legate. It was in fact the Papacy that gave the English Church a sense of ecclesiastical unity.¹⁵

The argument is destructive of the continuity theory of the English Church. *Ens et unum convertuntur*. A body that takes its unity from the Pope is not identical with a body that takes its unity from the King : unless the King be also Pope. These conclusions also of Maitland and of Brooke are accepted by Professor Holdsworth in his new *History of English Law*,¹⁶ and by Professor Davis, late Regius Professor of History in the University of Oxford, to whom the problem was how any other view ever came to be held.

In addition to such general works on English Law and History a series of non-Catholic scholars have been busy in giving us individual studies on the life and writings of the great Catholic figures of mediæval England.

An English churchman, the Rev. A. J. Macdonald, M.A., has given us a valuable and learned study of Lanfranc, even though it may err in its advocacy of Berengarius and in the view it takes of the controversy that surrounded the Real Presence. In the series of great mediæval churchmen Dr. C. C. J. Webb has contributed an all too brief sketch of John of Salisbury, "the most considerable scholar and one of the most considerable figures in ecclesiastical politics that England produced during the twelfth century of our era."¹⁷ And

¹⁴ *Roman Canon Law in the Church of England*, pp. 113-114.

¹⁵ Brooke : *The English Church and the Papacy*, p. 17.

¹⁶ Vol. I, pp. 589, 591 : where the continuity theory is plainly called an illusion.

¹⁷ There is an admirable essay on John of Salisbury in the volume of King's College Lectures on Great Mediæval Thinkers, from the pen of Dr. E. F. Jacob, who lately read a paper on Canon Law in English History at the Juridical Conference at Rome.

Professor Powicke has published a fine and sympathetic work on Stephen Langton which gives prominence to his biblical studies and to the *Questiones* that were discussed during the period in which he acted as Doctor and Master of Theology at Paris. There is also a too little known *Life of Robert Grosseteste*, Bishop of Lincoln, by Francis Stevenson. The book was written, as the Preface tells us, simply with a view to historic truth, but the author shows his mind in the sentence which says that: "If it succeeds in inspiring the reader with a true conception of Grosseteste's place in History it will not have been written in vain." That the author was himself inspired by the character (and perhaps by the intercession) of Grosseteste would appear from the circumstance that he lately made his own submission to the Church.

Among legal historians, again, Professor Woodbine of Yale has given us a precious edition of the *De Legibus* of Glanvill, the first text-book of the English Law and "one of the most clear straightforward and logical in arrangement of all the books on English Law." The same writer has been engaged for half a lifetime on a definitive edition of the *De Legibus et Consuetudinibus* of Bracton, who besides being a Judge of Assize was Rector of Bosham and Chancellor of Exeter. He is the founder of the English Common Law and his book, which has been called "the Crown and Flower of English Mediæval Jurisprudence," had "no competitor in literary style or completeness of treatment until Blackstone composed his Commentaries five centuries later."

In the volume of essays on *Social and Political Ideas of the Renaissance and the Reformation* (Harrap, 1925) is a deeply interesting study of Sir John Fortescue, the fifteenth century author of (*inter alia*) *de Laudibus Legum Angliæ* and "the beautiful and touching" *Dialogue between Faith and Understanding*, of which Miss Levett says that: "It bears witness to the vivid personal religion of a busy man of politics. Fortescue's Religion—the religion of a layman—rings as true as the cloistered devotion of Thomas à Kempis." The life and writings of Sir John Fortescue are of special interest since he was in his political teaching and philosophy a professed disciple of St. Thomas Aquinas, and his

works were to be a source of inspiration in later centuries to the Stuart lawyers and parliamentarians in their revolt against the new despotism and the doctrine of the Divine Right of Kings.¹⁸

Sir John Fortescue was the last of the great laymen before Sir Thomas More. Of the work that has been done in our own time by a constellation of non-Catholic scholars to establish the fame of Sir Thomas More, who shall make adequate acknowledgment?¹⁹ To Professor Chambers of University College, London, who shall make our thanks for his *Saga of Sir Thomas More* and for his exquisite essay *On the Continuity of English Prose from Alfred to More and his School*?

"A whole school of English prose," we are told "begins so far as we can trace it with three girls of gentle birth who had withdrawn from the world and had 'to bear the arrogance of those who might have been their thralls.' It ends so far as England is concerned with the death of Exmew and his fellow martyrs and then of Fisher and of More. Despite the fact that after the Conquest the English language had been little heard at Court, that Englishmen not only of the upper but of the middle classes had been all trying to write French and Latin, nevertheless English, for centuries never used for the purposes of law and government and rarely used for any great works of literature, had been still written by and for people who were too much in earnest to bother about courtly fashions. These people wrote sometimes in Latin but also in English because either to them or to the enclosed sisters for whom so often they wrote, English was the language of passionate and instinctive utterance. It is strange to reflect how our English prose has been handed down to Tudor times from the days of King Alfred and Abbot Aelfric, not by clerks working in royal chancelleries but through books originally written to be read in lonely anchor-holds or quiet nunneries. Retreats like those of the three sisters of the *Riwe* or the sister to whom the *Wooing of Our Lord* was addressed; later for Margaret Kirkby, or for the anonymous nuns of Yeddingham or Hampole for whom Rolle wrote; later still, for the sisters addressed by Hinton or by the author of *The Chastising of God's Children*, or by the Sheen Carthusian who wrote the *Speculum Devotorum*."

In the light of such evidence are we obliged any longer

¹⁸ See, e.g., Holdsworth: *H.E.L.*, Vol. IV; Skeel: *Transactions of the Royal Historical Society*, 1916.

¹⁹ We pay special homage to Professor R. W. Chambers, Professor A. W. Reed, A. W. Hitchcock and Miss E. M. Routh.

to assent to the opinion which affirms the essential Protestantism of English Literature? The authority of Professor Chambers invites a revision and perhaps even a reversal of the judgment of Newman. English Literature and the English Common Law seem alike to be in large measure a Catholic inheritance. For centuries indeed these things were denied or forgotten. Catholicism was forced to abjure the realm. The canonists were anathema to the civil and common lawyers. And the Mass was held to be a "superstitious use."

Here also in our own time old controversies have ceased and old judgments have been modified or reversed. In the case of *Bourne v. Keane* the House of Lords, taking what Professor Holdsworth has called "the greatest liberty which it has ever taken with established legal principles," re-admitted the Mass as a lawful sacrifice. In making this decision the House "reversed dicta 317 years old, a decision 84 years old, and a rule which only two years before it had treated as a settled rule of law." By a piece of divine irony, it was the same public policy as that which underlay the judgment in *Bowman v. The Secular Society*²⁰ which induced their Lordships to restore the Mass.²¹

"Unwilling," said Lord Birkenhead, "unwilling as I am to question old decisions, I shall be able if my view prevails to reflect that your Lordships will not, within a short period of time, have pronounced to be valid legacies given for the purpose of denying some of the fundamental doctrines of the Christian religion, and have held to be invalid a bequest made for the purpose of celebrating the central sacrament in a Creed which commands the assent of many millions of our Christian fellow countrymen. In the second place, your Lordships will have the satisfaction of deciding that the Law of England corresponds upon this important point with the Law of Ireland, of our great Dominions, and of the United States of America. A decision based upon a sound view of the law may reasonably appeal to these two powerful considerations of policy as against the admitted impolicy of disturbing old conclusions."

With the Restoration of the "central sacrament" of the Mass came a reconciliation between the common and the canon lawyers. Canon 750 of the Codex was

²⁰ (1917) A.C.

²¹ *Bourne v. Keane* (1919), A.C.

cited textually by Lord Justice Slesser in 1931 as one of the bases of his decision in the case of *Re Carroll* where two members of the Court of Appeal, overruling one of their colleagues and four other Judges of the High Court, decided that it is the Common Law right and duty of a parent to control the religious education of the child.²²

"The Court has the duty where the character of the parent is not attacked to give effect to the views as to religious education of the parent of a child too young to have intelligent views of its own. The responsibility for religious views is that of the parent not of the Court. The Court should not sanction any proposal excellent in itself which does not give effect to the parent's views on education religious and secular. Those views are none the worse because they follow from the teaching of the parents' religious advisers." So Lord Justice Scrutton. Lord Justice Slesser embellished his judgment by reference not only to the principles of the Common and the Canon Law but also to the passage of the *Summa* in which St. Thomas states of the children of Jews: "Contra justitiam naturalem esset si pueri invitis parentibus baptizarentur."

In a later case it was held that a condition subsequent contained in a settlement providing that an interest which would otherwise have become vested in a grandchild of the settlor on attaining the age of twenty-one years should be forfeited if the grandchild "shall at any time before attaining a vested interest be or become a Roman Catholic or not be openly or avowedly Protestant" is void on the ground that it operates to interfere with the parent in the exercise of his parental duty as regards the religious instruction of his children.

Infants are or ought to be instructed in religious matters by their parents and as a general rule have no choice of their own in such matters. The parents' duty is to be discharged solely with a view to the moral and spiritual welfare of their children and ought not to be influenced by mercenary considerations affecting the infant's worldly welfare.²³

The decisions of the Court in the cases of *Re Carroll* and *Re Borwick* reveal a certain inclination on the part of Judges and Lawyers to recur to the principles of

²² *Re Carroll* (1931), 1, K.B., 336.

²³ *Re Borwick* (1933), Ch. 657, per Bennett, J.

Natural Law. This renaissance of Natural Law concepts had already been proclaimed by a distinguished American writer in a book which confessedly derived much of its inspiration from a well-known Catholic jurist, Professor Louis Le Fur of the Faculty of Law in the University of Paris.²⁴ In an essay on Duguit's Conception of the State, our own Professor Laski has a revealing passage:

In these terms all of Duguit's criticisms of the classical assumptions seem to me justifiable. As soon, however, as he embarked upon the task of discovering a constructive alternative, he seems to me to have missed the central necessity of his theory. That necessity is a criterion of justice to which the specific commands of positive law must conform: a theory of natural law. Here, I think, it will suffice to say that the sooner we seek to revive the effort of the mediæval schoolmen and the great Spanish thinkers of the sixteenth century, the more rapidly we shall arrive at an adequate theory of the State. *We shall doubtless have to prune it of its theological perspective.*²⁵

Of equal and perhaps even of greater interest and importance is the volume lately published by Professor James Brown Scott, President of the American Society of International Law, on the *Spanish Origin of International Law*. The book (which is announced as the first of three volumes) attributes to the discovery of America the expansion of International Law by Franciscus de Vittoria and his successors until it has become a universal rule of conduct:

It proclaims an international community composed of all the nations, the vast majority being the small powers whose defence is righteousness, justice and the moral standard. It gives to the great expounders of the modern Law of Nations who have been silent for centuries, a voice and a control in the development of the science which they founded. . . . The assertion by Vittoria that the righting of the wrong of a particular State should not be done if it involved a greater injury to the community at large was the view of a statesman as well as of a theologian; and his conception of the community of nations, co-extensive with humanity and existing as a result of a mere co-existence of States, without treaty or convention, is the hope of the

²⁴ *The Revival of Natural Law Concepts*, by Charles Grove Haines. Harvard University Press, 1930.

²⁵ *Modern Theories of Law*, p. 16. The italics (and the joy) are ours.

future. . . . After wandering as it were in the wilderness the publicists of to-day are disregarding the international law based upon force, unrelated to morality and rendered futile and inoperative in the international community by a conception of sovereignty descended from the Divine Right of Kings and its successor the Divine State. They are leaving the paths marked out by false prophets of International Law and turning to Vittoria's Law of Nations and the Vittorian principles which for four hundred years have pointed the path to an International Law still of the future in which law and morality shall be one and inseparable, in which States are created by and for human beings, and every principle of International Law and of international conduct is to be tested by the good of the international community and not by the selfish standards of its more powerful and erring members.²⁶

Here, then, out of the casual reading of a single student are some instances, strangely convergent, of courtesy and co-operation on the part of a series of non-Catholic Judges and lawyers and historians. Of their courtesy and co-operation it surely behoves us to take due notice and to make full acknowledgment. The gratitude we feel and express may indeed be mingled with wonder—and even with awe—at the thought of the service they have given in our default, and of the future that (among a people so responsive to historical argument) their service would seem to herald and prepare.

²⁶ *The Spanish Origin of International Law*, by James Brown Scott. Oxford, at the Clarendon Press, 1934.

"MUST I BELIEVE IT?"

BY THE REV. GEORGE D. SMITH, Ph.D., D.D.

THE doctrinal power of the Catholic Church is apt to provoke two contrary reactions in those who are outside the fold. Some it attracts, others it repels. The earnest seeker after truth, the man who seriously wants an answer to the riddle of his life and purpose, and is either mentally dazed by the contradictory solutions offered or else baffled by the bland scepticism which so often greets his anxious questionings, may perhaps turn with relief to a Church which teaches with authority, there to find rest from his intellectual wanderings. On the other hand, there is the seeker whose enjoyment, one is inclined to suspect, lies chiefly in the pursuit of truth and who cares little whether he ever tracks it down. To think things out for himself or, like the Athenians, to be telling or hearing some new thing is the very breath of his intellectual life, and to him any infallible pronouncement is anathema. A definitive statement of truth is not for him a happy end to a weary search; it is a barrier which closes an avenue to his adventurous quest. An infallible teacher is not a welcome guide who leads him home; he is a monster who would deprive him of the freedom which is his right.

To these two opposite attitudes on the part of the seeker there correspond two different methods on the part of the apologist. For the apologist is in some respects like a salesman: he likes to give the inquirer what he wants, and he puts in the forefront the wares which are most likely to attract. To the non-Catholic who is weary of doubt and uncertainty he holds out the alluring prospect of a Teacher who will lead him to the goal which he is restlessly seeking, who with infallible authority will give him the final answer to any problem that may perplex him. To the non-Catholic who is jealous of his intellectual freedom he says: Do not imagine that by submitting to the Church you will be forfeiting your freedom of thought. The matters upon which the Church teaches with infallible authority are

relatively few; with regard to the rest you are free to believe as you like.

Admittedly these are bald statements which no apologist of repute would permit himself to make without considerable qualifications. Nevertheless they will serve by their very baldness to illustrate two very different standpoints from which even Catholics themselves may be inclined to view the teaching authority of the Church. It may be regarded as guidance or it may be regarded as thralldom; and according as guidance is desired or thralldom feared the sphere of obligation in the matter of belief will be extended or restricted. There are those who would have the Pope pronounce authoritatively on the rights or wrongs of every war, on vivisection and performing animals, on evolution and psycho-analysis, and are somewhat aggrieved because he defines a dogma so rarely. But there are also those who seem almost to dread the pronouncements of authority, who "hope that the Church will not commit herself" on this subject or that, who before accepting any doctrine ask whether the Pope has defined it or, if he has defined it, whether it was by an infallible and irrevocable utterance. Either attitude has its dangers, either attitude mistakes the function of the divinely-appointed Teacher. It may even be debated which excess is more greatly to be deplored. However that may be, the title of this article should be taken as indicating that the writer has in view the over-cautious believer, whose unfounded fears he hopes to allay, reserving for another occasion—or leaving to another hand—the task of restraining his over-ardent brother. In considering, therefore, the general principles which should guide Catholics in their attitude towards doctrinal authority we shall have in mind especially the Catholic who approaches every doctrine with the wary question: "Must I believe it?"

I.

Let us be clear about our terms, for the ground is littered with ambiguities. When the Catholic inquires concerning his obligation to believe he understands by belief, not a mere opinion, but an act of the mind whereby he adheres definitely to a religious doctrine without any doubt, without any suspension of assent. When he says that he believes a thing he means that

he holds it as certain, the motive or ground of his certainty being the authority of the Church which teaches him that this is so. And this rough-and-ready conception of belief, or "faith," may be considered for practical purposes and in the majority of cases to suffice. But in the delicate matter of defining the Catholic's obligation a greater degree of accuracy is reasonably demanded. It is not exact to say that the ground of belief is always the authority of the Church. Ultimately in a divinely revealed religion that ground is the authority of God Himself, on whose veracity and omniscience the believer relies whenever he makes an act of faith. Absolutely speaking an act of divine faith is possible without the intervention of the Church. It is sufficient to have discovered, from whatever source, that a truth has been revealed by God for the acceptance of mankind, in order to incur the obligation of believing it by an act of divine faith, technically so called because its motive is the authority of God Himself.

However, "that we may be able to satisfy the obligation of embracing the true faith and of constantly persevering therein, God has instituted the Church through His only-begotten Son, and has bestowed on it manifest marks of that institution, that it may be recognized by all men as the guardian and teacher of the revealed word."¹ Accordingly the main truths of divine revelation are proposed explicitly by the divinely instituted Church for the belief of the faithful, and in accepting such truths the believer adds to his faith in God's word an act of homage to the Church as the authentic and infallible exponent of revelation. The doctrines of faith thus proposed by the Church are called dogmas, the act by which the faithful accept them is called Catholic faith, or divine-Catholic faith, and the act by which they reject them—should they unhappily do so—is called heresy.

But there are other truths in the Catholic religion which are not formally revealed by God but which nevertheless are so connected with revealed truth that their denial would lead to the rejection of God's word, and concerning these the Church, the guardian as well as the teacher of the revealed word, exercises an infallible teaching

¹ Vatican Council, *De fide catholica*, cap. iii.

authority. "Dogmatic facts,"² theological conclusions, doctrines—whether of faith or morals—involved in the legislation of the Church, in the condemnation of books or persons, in the canonization of saints, in the approbation of religious orders—all these are matters coming within the infallible competence of the Church, all these are things which every Catholic is bound to believe when the Church pronounces upon them in the exercise of her supreme and infallible teaching office. He accepts them not by divine-Catholic faith, for God has not revealed them, but by ecclesiastical faith, by an assent which is based upon the infallible authority of the divinely appointed Church. Theologians, however, point out that even ecclesiastical faith is at least mediately divine, since it is God who has revealed that His Church is to be believed: "He that heareth you heareth me."

Already it is apparent that the question: "Must I believe it?" is equivocal. It may mean: "Is this a dogma of faith which I must believe under pain of heresy?" or it may mean: "Is this a doctrine which I must believe by ecclesiastical faith, under pain of being branded as 'temerarious' or 'proximate to heresy'?" But in either case the answer is: "You must believe it." The only difference lies between the precise motive of assent in either case, or the precise censure which may attach to disbelief. The question thus resolves itself into an investigation whether the doctrine under discussion belongs to either of these categories. And here again there is the possibility of undue restriction.

The Vatican Council has defined that "all those things are to be believed by divine and Catholic faith which are contained in the word of God, written or handed down, and which the Church, either by a solemn judgment or by her ordinary and universal teaching, proposes for belief as having been divinely revealed."³ What is liable to be overlooked is the ordinary and universal teaching of the Church. It is by no means uncommon to find the opinion, if not expressed at least entertained, that no doctrine is to be regarded as a dogma of faith unless it has been solemnly defined by

² E.g.: that a certain book contains errors in matters of faith; that a particular Council is œcumenical, etc.

³ *Loc. cit.*

an oecumenical Council or by the Sovereign Pontiff himself. This is by no means necessary. It is sufficient that the Church teaches it by her ordinary *magisterium*, exercised through the Pastors of the faithful, the Bishops, whose *unanimous* teaching throughout the Catholic world, whether conveyed expressly through pastoral letters, catechisms issued by episcopal authority, provincial synods, or implicitly through prayers and religious practices allowed or encouraged, or through the teaching of approved theologians, is no less infallible than a solemn definition issued by a Pope or a general Council. If, then, a doctrine appears in these organs of divine Tradition as belonging directly or indirectly to the *depositum fidei* committed by Christ to His Church, it is to be believed by Catholics with divine-Catholic or ecclesiastical faith, even though it may never have formed the subject of a solemn definition in an oecumenical Council or of an *ex cathedra* pronouncement by the Sovereign Pontiff.⁴

But, satisfied that the doctrine has been authoritatively and infallibly proposed for belief by the Church, our questioner still waits to be informed whether it is a doctrine which has been formally revealed by God and is therefore to be believed under pain of heresy, or whether it is one of those matters which belong only indirectly to the *depositum fidei* and therefore to be believed by ecclesiastical faith. In the majority of cases this is not difficult to decide: dogmatic facts, canonizations, legislation—these evidently are not revealed by God and belong to the secondary object of the infallible *magisterium*. But the line of demarcation between dogmas and theological conclusions is not always so clear. There are some doctrines concerning

⁴ Thus various events in the life of Christ (e.g., the raising of Lazarus from the dead) are certainly revealed by God and, though never defined solemnly, are taught by the ordinary and universal *magisterium*. Many theological conclusions concerning Christ (with regard to His knowledge, His sanctifying grace) are universally taught by theologians as proximate to faith, though they may never have been defined either by the Pope or by a general Council. It may be remarked, however, that in common practice a person is not regarded as a *heretic* unless he has denied a revealed truth which has been solemnly defined (Vacant: *Etudes théologiques sur les Constitutions du Concile du Vatican*, t. II, pp. 117 sq.).

which it may be doubted whether they are formally revealed by God or whether they are merely conclusions which are deduced from revealed truth, and it is part of the theologian's congenial task to endeavour to determine this. The doctrine of the Assumption is a case in point. But so far as Catholics generally are concerned it is not a matter of great importance, for if the Church—as we are supposing—teaches such doctrines in the exercise of her infallible office the faithful are bound *sub gravi* to believe them; in practice it is a question of determining whether he who denies them is very near to heresy or whether he has actually fallen into it. In either case he has committed a grave sin against faith.

II.

It is time now to turn our attention more particularly to the first word in our question, and to bring our inquiry to bear precisely upon the moral obligation of the Catholic in the matter of belief. For the Catholic not only believes, he *must* believe. To the question: "Why do you believe?" I may answer by indicating the motive or ground of my assent. But to the question: "Why must you believe?" I can only answer by pointing to the authority which imposes the obligation.

It is important, I think, to distinguish two aspects of teaching authority. It may be regarded as an authority *in dicendo* or an authority *in jubendo*, that is, as an authority which commands intellectual assent or as a power which demands obedience; and the two aspects are by no means inseparable. I can imagine an authority which constitutes a sufficient motive to command assent, without however being able to impose belief as a moral obligation. A professor learned in some subject upon which I am ignorant (let me confess—astronomy) may tell me wonderful things about the stars. He may be to my knowledge the leading authority—virtually infallible—on his own subject; but I am not bound to believe him. I may be foolish, I may be sceptical; but the professor does not possess that authority over me which makes it my bounden duty to accept his word. On the other hand the school-boy who dissents, even internally, from what his teacher tells him is insufferably conceited, and if he disagrees

openly he is insubordinate and deserves to be punished. By virtue of his position as authoritative teacher the schoolmaster has a right to demand the obedient assent of his pupils; not merely because he is likely to know more about the subject than those over whom he is set—he may be incompetent—but because he is deputed by a legitimate authority to teach them.

However, let us not exaggerate. *Ad impossibile nemo tenetur*. The human mind cannot accept statements which are absurd, nor can it be obliged to do so. A statement can be accepted by the mind only on condition that it is credible: that it involves no evident contradiction, and that the person who vouches for its truth is known to possess the knowledge and veracity which make it worthy of credence; and in the absence of such conditions the obligation of acceptance ceases. On the other hand, where a legitimately constituted teaching authority exists their absence will not lightly be presumed. On the contrary, obedience to authority (considered as authority *in jubendo*) will predispose to the assumption that they are present.

Turning now to the Church, and with this distinction still in mind, we are confronted by an institution to which Christ, the Word Incarnate, has entrusted the office of teaching all men: "Going therefore teach ye all nations, . . . teaching them to observe all things whatsoever I have commanded you." Herein lies the source of the obligation to believe what the Church teaches. The Church possesses the divine commission to teach, and hence there arises in the faithful a moral obligation to believe, which is founded ultimately, not upon the infallibility of the Church, but upon God's sovereign right to the submission and intellectual allegiance (*rationabile obsequium*) of His creatures: "He that believeth . . . shall be saved, but he that believeth not shall be condemned." It is the God-given right of the Church to teach, and therefore it is the bounden duty of the faithful to believe.

But belief, however obligatory, is possible only on condition that the teaching proposed is guaranteed as credible. And therefore Christ added to His commission to teach the promise of the divine assistance: "Behold I am with you all days even to the consummation of the

world." This divine assistance implies that, at any rate within a certain sphere, the Church teaches infallibly; and consequently, at least within those limits, the credibility of her teaching is beyond question. When the Church teaches infallibly the faithful know that what she teaches belongs, either directly or indirectly, to the *depositum fidei* committed to her by Christ; and their faith thus becomes grounded, immediately or mediately, upon the divine authority. But the infallibility of the Church does not, precisely as such, render belief obligatory. It renders her teaching divinely credible. What makes belief obligatory is her divine commission to teach.

The importance of this distinction becomes apparent when we consider that the Church does not always teach infallibly, even on those matters which are within the sphere of her infallible competence. That the *charisma* is limited in its exercise as well as in its sphere may be gathered from the words of the Vatican Council, which defines that the Roman Pontiff⁵ enjoys infallibility "when he speaks *ex cathedra*, that is when, exercising his office as shepherd and teacher of all Christians, according to his supreme apostolic authority he defines a doctrine concerning faith or morals to be held by the whole Church." Hence infallibility is exercised only when the supreme teaching authority, in the use of its full prerogatives, determines in an irrevocable manner⁶ a doctrine on faith or morals to be held, either by divine-Catholic faith or by ecclesiastical faith,⁷ by all the faithful. If, therefore, at any time a pronouncement is issued by the *Ecclesia docens* which is shown not to be an exercise of the supreme authority in all its fullness, or is not addressed to the whole Church as binding on all the faithful, or is not intended to determine a doctrine in an irrevocable manner, then such pronouncement is not infallible.

⁵ What is said of the Pope alone is true also of the *Corpus episcoporum*, for the Council states that "the Roman Pontiff enjoys that infallibility with which the divine Redeemer willed His Church to be endowed."

⁶ "Definit."

⁷ The word "*tenendam*" was used instead of "*credendam*" in order not to restrict infallibility to the definition of dogmas (*Acta Conc. Vat., Coll. Lac., t. VII, col. 1704 seq.*).

To formulate and to discuss the criteria by which an infallible utterance may be diagnosed as such is another task for the theologian, and in any case is beyond the scope of this paper. For our purpose it is sufficient to register the fact that much of the authoritative teaching of the Church, whether in the form of Papal encyclicals, decisions, condemnations, replies from Roman Congregations—such as the Holy Office—or from the Biblical Commission, is not an exercise of the infallible *magisterium*. And here once again our cautious believer raises his voice: "Must I believe it?"

III.

The answer is implicit in the principles already established. We have seen that the source of the obligation to believe is not the infallibility of the Church but her divine commission to teach. Therefore, whether her teaching is guaranteed by infallibility or not, the Church is always the divinely appointed teacher and guardian of revealed truth, and consequently the supreme authority of the Church, even when it does not intervene to make an infallible and definitive decision on matters of faith or morals, has the right, in virtue of the divine commission, to command the obedient assent of the faithful. In the absence of infallibility the assent thus demanded cannot be that of faith, whether Catholic or ecclesiastical; it will be an assent of a lower order proportioned to its ground or motive. But whatever name be given to it—for the present we may call it belief—it is obligatory; obligatory not because the teaching is infallible—it is not—but because it is the teaching of the divinely appointed Church. It is the duty of the Church, as Franzelin has pointed out,^{*} not only to teach revealed doctrine but also to protect it, and therefore the Holy See "may prescribe as to be followed or proscribe as to be avoided theological opinions or opinions connected with theology, not only with the intention of infallibly deciding the truth by a definitive pronouncement, but also—without any such intention—merely for the purpose of safeguarding the *security* of Catholic doctrine." If it is the duty of the Church, even though non-infallibly, to "prescribe or proscribe" doctrines to

^{*} *De Scriptura et Traditione* (1870), p. 116.

this end, then it is evidently also the duty of the faithful to accept them or reject them accordingly.

Nor is this obligation of submission to the non-infallible utterances of authority satisfied by the so-called *silentium obsequiosum*. The security of Catholic doctrine, which is the purpose of these decisions, would not be safeguarded if the faithful were free to withhold their assent. It is not enough that they should listen in respectful silence, refraining from open opposition. They are bound in conscience to submit to them,⁹ and conscientious submission to a doctrinal decree does not mean only to abstain from publicly rejecting it; it means the submission of one's own judgment to the more competent judgment of authority.

But, as we have already remarked, *ad impossibile nemo tenetur*, and without an intellectual motive of some sort no intellectual assent, however obligatory, is possible. On what intellectual ground, therefore, do the faithful base the assent which they are obliged to render to these non-infallible decisions of authority? On what Cardinal Franzelin¹⁰ somewhat cumbrously but accurately describes as *auctoritas universalis providentiae ecclesiasticae*. The faithful rightly consider that, even where there is no exercise of the infallible *magisterium*, divine Providence has a special care for the Church of Christ; that therefore the Sovereign Pontiff in view of his sacred office is endowed by God with the graces necessary for the proper fulfilment of it; that therefore his doctrinal utterances, even when not guaranteed by infallibility, enjoy the highest competence; that in a proportionate degree this is true also of the Roman Congregations and of the Biblical Commission, composed of men of great learning and experience, who are fully alive to the needs and doctrinal tendencies of the day, and who, in view of the care and the (proverbial) caution with which they carry out the duties committed to them by the Sovereign Pontiff, inspire full confidence in the wisdom and prudence of their decisions. Based as it is upon these considerations of a religious order, the assent in question is called a "religious assent."

⁹ Letter of Pius IX to the Archbishop of Munich, 1864; cf. Denziger, 1684.

¹⁰ *Loc. cit.*

But these decisions are not infallible, and therefore religious assent lacks that perfect certainty which belongs to divine-Catholic faith and ecclesiastical faith. On the other hand belief in the Providence which governs the Church in all its activities, and especially in all the manifestations of the supreme ecclesiastical authority, forbids us to doubt or to suspend assent. The Catholic will not allow his thought to wander into channels where he is assured by authority that danger threatens his faith; he will—indeed he must—suffer it to be guided by what he is bound to regard as the competent custodian of revealed truth. In the cases which we are now contemplating, he is not told to adhere with the fullness of certainty to a doctrine which is divinely guaranteed by infallibility; but he is told that this particular proposition may be maintained with perfect safety, while its contradictory is fraught with danger to the faith; that in the circumstances and in the present state of our knowledge this or that interpretation of Scripture may not safely be forsaken; that a particular philosophical tenet may lead to serious errors in a matter of faith. And the Catholic must shun the danger of which he is authoritatively warned by bowing to the judgment of authority. He must not doubt, he must assent.

Logically implied in these precautionary decisions is a truth of the speculative order, whether ethical or dogmatic. But upon that speculative truth as such the decree does not pronounce; it envisages merely the question of security.¹¹ Thus, for example, the answer of the Holy Office to the question about craniotomy¹² is based upon a moral principle which is a part of Catholic ethical doctrine. But the Congregation did not define that principle as a truth, although it is a truth. It merely stated that it is unsafe to teach that such an operation is licit; that Catholic ethical doctrine would be endangered by such teaching. Therefore the Catholic is bound to reject the suggestion that the

¹¹ Hence it may be understood why such decrees are not of themselves irreformable. It may happen, for example, that the rejection of the authenticity of a Scriptural passage is unsafe at a particular time, but becomes safe at another in consequence of progress in Biblical studies.

¹² Denziger, 1889.

operation may be permissible; he must believe that it is not allowed. Otherwise he would put himself in the danger of denying an ethical doctrine of the Catholic Church. On June 7th, 1918, the Holy Office in reply to a question decreed: "non posse tuto doceri . . . certam non posse dici sententiam quae statuit animam Christi nihil ignoravisse."¹³ Implied in this decision is the (speculative) truth that in Christ there was no ignorance. But the Holy Office did not define that truth. It merely stated that it is unsafe to cast any doubt upon the opinion that the soul of Christ was free from ignorance. Therefore the Catholic must hold it as certain that Christ was ignorant of nothing; otherwise he would endanger the integrity of Catholic doctrine.

But in the absence of infallibility there is the possibility of error, and hence the stickler for philosophical accuracy may refuse to religiously assent the attribute of certainty. Without quoting the homily on certainty which the judge reads to the jury at the beginning of his summing-up, we may none the less recall it to memory, and add to it the consideration that in the case before us the presumption in favour of truth, resting as it does upon the *auctoritas universalis providentiae ecclesiasticae*, renders the possibility of error so remote as to engender a high degree of what is known as "moral certainty." The generality of the faithful are not troubled by difficulties in these matters, and no fear of error assails them. The learned, however, are not always so fortunate; their studies may tempt them sometimes to question the non-infallible decisions of authority. Obedience to that authority, while it does not forbid the private and respectful submission of such difficulties for official consideration, none the less demands that all Catholics, learned and unlearned alike, yield their judgment to the guidance of those whom Providence has set to guard the deposit of faith.¹⁴

To sum up, Catholics are bound to believe what the Church teaches. To refuse the assent of divine-Catholic

¹³ Denziger, 2032.

¹⁴ On the subject of religious assent see especially L. Choupin: *Valeur des Décisions doctrinales et disciplinaires du Saint-Siège* (Beauchesne, 1913), pp. 82 ff.

faith to a dogma is to be a heretic; to refuse the assent of ecclesiastical faith to a doctrine which the Church teaches as belonging indirectly to the deposit of faith is to be more or less near to heresy; to refuse internal religious assent to the non-infallible doctrinal decisions of the Holy See is to fail in that submission which Catholics are strictly bound to render to the teaching authority of the Church.

Are there, then, no fields of thought in which the Catholic may wander fancy-free? There are indeed; and they are the happy hunting-ground of the theologian. But he speculates more freely when he is free from the danger of error. His investigations are more fruitful, pursued within the limits of God's truth. There he is free, with the freedom with which Christ has made him free.

THE EDUCATION QUESTION: A RE-STATEMENT

BY THE REV. S. J. GOSLING.

I.

IT is becoming daily more evident that there is growing uneasiness among Catholics concerning the condition of our schools. The correspondence columns of the Catholic Press bear witness to the fact that educationists are disturbed in mind; the education question is becoming more frequently the burden of episcopal charges; Catholic societies, hearing the call for Catholic Action, are demanding with increasing insistence a definite policy and a clear lead.

To a certain extent this revival of interest in education is natural and to be expected; a General Election is coming, possibly in the immediate, certainly in the near future, and we have grown accustomed to the fact that an appeal to the country means for us a re-opening of the education question. But on this occasion there is a difference which has not passed unmarked by thoughtful men. We are the challengers, not the challenged. No party is openly threatening us with the repeal of hard-won concessions; our agitation does not, as it invariably did in the past, rouse our enemies to fierce and vocal defiance. Our repeated demands for more sympathetic consideration are received in a sinister silence. There can be only one explanation of this changed attitude; the opposition feels secure and is content to let well alone.

There are other ominous signs. An administration that is shortly going to the country is usually amenable to reason, lavish of promises and nervously anxious to avoid giving offence. The present Government's attitude towards us is the exact reverse in each particular. A strong, unfriendly administration beginning, instead of finishing, its term of office could not treat us more contemptuously. Mr. Ramsbotham's recent declaration that no denomination has a legal right to have a school

is an illustration. Technically, he may be right; but if he has any care for our friendship or respect for our power, tactically and as a matter of policy, he is hopelessly wrong.

It will explain our uneasiness and possibly help to clarify the issue if we take the Ramsbotham Memorandum as the expression of Government policy. Its logical effect is perfectly clear; it means the repudiation of the Board of Education's undertaking, contained in the Act of 1921 (19. subs. 6), "to have regard to the wishes of parents as to the education of their children" in determining whether a school is necessary. There are two other considerations mentioned, "the interests of secular education" and "the economy of the rates." It is obvious that these three considerations are not identical, and it was clearly foreseen by the framers of the Act that they would, in certain circumstances, be opposed and pull in different directions. There is no indication of any priority amongst them beyond the order of their setting down, and there the wishes of the parents has the second place and before the economy of the rates. Nor is it anywhere suggested that any two considerations will outweigh the third; on the contrary, that interpretation of the section has been expressly and officially denied on several occasions. Clearly, different people will give different weight to the three considerations; but there they are, in the Act. The Ramsbotham Memorandum has the effect of removing the second without so much as a "by your leave." That is the plain meaning of the Memorandum whatever may have been Mr. Ramsbotham's intentions and however he may protest against this reading of his words.

A Minister must feel himself in a pretty strong position when he can with a stroke of the pen remove a right which is acknowledged by and incorporated in an Act of Parliament. The question that we have to consider, possibly with some heart-searchings, is, how comes it that the Board of Education is prepared to treat the Catholic body in this cavalier fashion? If I give the answer in a sentence that will offend some of my readers and be unjust to others I would beg their patience to remember that I must speak in general terms. And in general terms the answer is, that we Catholics are not carrying out the Hadow Report, that we have no

settled policy regarding it, and that the Government, knowing this, feels that it can safely ignore us.

To this answer I expect a storm of protests and I hasten to admit that they will be justified. There are many and grave reasons against our full participation in Hadow Reorganization. These objections may be classed under three heads: (1) educational: *pace* the Board of Education and the Local Education Authorities, Hadow has not said the last word on educational reform; (2) administrative: to adopt the full Hadow programme as advocated by the Board is to impair and endanger—and in some cases actually to destroy—the Catholic character of our education; (3) financial: I need not, I trust, stress this point; it has been acknowledged, though not removed, by Parliament itself.

All these criticisms are true, but they are not relevant to the point I am putting, which is that as a body we are not adopting Hadow Reorganization, and because we are not carrying it out the Board thinks itself strong enough either to make us come into line, or force us out of the national system in which we have had our place since the Act of 1902. I do not wish to exacerbate feelings but I must point out that, to the enemies of Catholic schools, either alternative is welcome. If they force us in they reckon that the cost will be so great that a considerable number of our children will be absorbed into a secular and non-religious education; if we stay out, then our schools will be starved into inefficiency preparatory to being suppressed. We have got the choice of "going quietly" or of being stunned into subjection.

Is the Board—or the Government—over-estimating its strength in these tactics? I should like to think so, but I am by no means sure. If the politicians will do this in the green wood of an approaching election, what will they do in the dry when they have been returned with a possible five years' tenure of office? They must feel themselves fairly strong to challenge us so openly. It is not difficult to see the grounds for their confidence. Intense propaganda has induced the nation to swallow the Hadow Report whole; half the country is already reorganized; we are standing outside, and so we become easy victims to the insinuation that we are educational reactionaries. Secondly, a drive against the non-provided

school will recruit a considerable body of well-organized opinion that is not at the moment favourably disposed towards the Government. And, lastly, the politicians confidently expect the defection of lukewarm Catholic parents when they come to choose between efficient State schools and inefficient Catholic schools.

II.

I want the Managers of Catholic schools to face the realities of the position thus outlined. They are not likely to be cajoled or bullied into giving up Catholic schools. But if they imagine that they have saved the Catholic schools by merely adopting a *non possumus* attitude they have grievously misread the whole educational position. The 1902 settlement is finished; it no longer represents the national policy of education; we are now under the Act of 1921 and we have to make up our minds whether we are going to work this Act as we worked the Act of 1902 and remain inside the national system, or refuse to work it and create a system of our own.

Is there any responsible person who is prepared to advocate the latter course? It would mean the gradual deterioration of our schools in comparison with those of the rest of the country, the assumption of still heavier financial burdens (enormously increased as soon as the school-leaving age is raised) and the condemning of Catholic children to an inferior education. Are we prepared to commend this sacrifice to Catholic parents and to ask of them that they should accept indefinitely an inferior secular education for their children? And should we be serving the best interests of the Catholic Church in depriving the rising generation of Catholics of the best education that is to be had? I venture to say that there is only one reply to this question. It is not practical politics.

We *must* remain inside the national system. That does not mean that we have to accept every ukase that comes from Whitehall. We must insist on modifications to suit our special circumstances. But to make our demands effective two things are required. We must show by word and deed our willingness to work the present Act; and we must formulate an agreed policy

concerning our demands and, if need be, our concessions. We worked the 1902 settlement loyally and well—no one can gainsay that. We can work the 1921 Act if we address our minds to it.

What are the difficulties? The most serious, of course, is the system of grouping introduced by Reorganization. Under the 1902 Act the unit of elementary education was the parochial school. Naturally we prefer the parochial system since it is also the ecclesiastical unit and the centre round which our religious life revolves. And since our religious teaching implies a great deal more than the mere imparting of religious knowledge, it follows that to adjust ourselves to the grouping system will mean disorganizing our religious education. This point ought to be stressed in any negotiations for special treatment. It does not present an insuperable difficulty in cases where, for instance, we have a sufficient number of adjacent contributory schools to form a senior or central school. There will be, however, many cases where the Catholic school is isolated and cannot combine in any grouping system with other Catholic schools. But many of these latter schools will be large enough to have an age-group per class, and it will be necessary to point out to the authorities that this—the *age-group per class*—is the *essential* feature of Hadowism. No doubt reorganization can be done to greater advantage and more economically by providing separate buildings for post-primary education (particularly when the school-leaving age is raised to fifteen), and enthusiastic Directors of Education, with the public purse at their command, are responsible for the popular notion that Hadow Reorganization means the carting about of children in motor buses. This is not so, and these enthusiasts are doing a disservice to educational reform in fostering the idea. The essential features of educational reform can be carried out in a single school when it is large enough, and it will be necessary to deflate these grandiose notions when they imperil the Catholic character of our education.¹

¹ As a fact, L.E.A.'s have frequently to modify their requirements to suit local conditions and there is no reason why they should not be modified to suit us. But the authorities almost invariably look at educational matters with the eyes of townspeople. And our own authorities are not guiltless of the same fault!

There remain the small rural schools, too scattered to combine effectively and too small to reorganize internally. These present a very serious difficulty which I suggest should be dealt with, each on its merits, by the responsible ecclesiastical authority. To condemn Catholic country children to an inferior education is a grave responsibility. To allow the seniors to attend a non-Catholic post-primary school, even with the concession of the Anson By-Law, is equally disturbing to our Catholic conscience. But I would point out two facts that are not always appreciated by urban educationists. First, it is much easier to arrange for religious instruction outside school in small parishes and to keep rural children individually in touch with the religious life of the country parish than is possible in large towns. And, secondly, where the Anson By-Law is operating, Catholic children attending such schools from outlying districts, where there is no Catholic school, are given religious instruction which they would not otherwise get. This is a distinct advantage which should be put in the balance.

I have left myself no space to deal with the financial difficulty. The omission is less important because this difficulty is the most canvassed and the best understood. It has, too, been recognized by Parliament, though the House of Lords, with the assistance of the Catholic peers, killed the Trevelyan Act which contained the Scurr Amendment. I would offer one criticism to our own people. When we were first pressed to reorganize, it was customary to reply that we would reorganize as soon as the Government implemented the Scurr Amendment or in some other way assisted us financially. I am not impugning the good faith of those who originally defined this condition. At that time it was sound and it was just. Now it has become little better than an excuse and a cover for doing nothing. The policy of "do-nothing" will lead us nowhere except into the pit cleverly digged for us by our enemies. On every conceivable ground we have the right to be in the national system. Are we going to abandon that right for ourselves and our children without a fight? And what is the alternative? One distinguished educationist light-heartedly looks forward to the time when Catholic priests will "trudge the streets again" for school money

as their predecessors did before them. If future governments refuse our just demands we shall trudge the streets again, but to my mind it is more important and infinitely more praiseworthy to do our trudging with the object of ensuring for our children an equal share of the education that we pay for, and of giving the national system a leaven of Christian education of which we shall very soon be the only defenders. That is a policy worth fighting for.

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MR. BELLOC'S REVIEWER REPLIES

BY THE REV. PHILIP HUGHES, Lic.Sc.Hist.

HAD Mr. Belloc's case against his critic been as strong as his indignation is violent he need not have taken ten pages of the CLERGY REVIEW to state it. Apart from the omissions, the reviewer in these reviews noted twenty-seven specimen inaccuracies of different kinds. The criticism, as far as these are concerned, could have been dealt with by a simple listing of the sources of Mr. Belloc's information. If these are the best available and they support Mr. Belloc then is the reviewer indeed reviewed. The case is over, and all in a page or a page and a half. Mr. Belloc has not chosen this way. How does his lengthy reply affect the criticism? This, and not the article itself, is the subject of the comment the Editors allow me to make.

To begin with the eight "novel and unproved assertions," I have first to observe that Mr. Belloc begins his consideration of what I say about them with a serious misunderstanding of my criticism. I write¹ that "Mr. Belloc sometimes makes simple assertions which challenge the common notion of things and he gives not a hint of evidence to justify them." The half of the sentence I have italicized he omits! And it is, of course, the whole point of my criticism. Such assertions—whatever their interest—are out of place in a book for beginners. Is the Catholic student, relying on such a book, and taxed with another interpretation of events, to carry his point with a final "I read it in Belloc"? To make such assertions may indeed be Mr. Belloc's "trade" and "a fairly useful one,"² but it is probably more useful to Mr. Belloc than to the student. As to the examples which I chose, the "sceptical critics," I have in mind in what I say about the story of King Lucius are Mgr. Duchesne,³ Mgr. Kirsch⁴ and M. Clerval.⁵ The remainder

¹ CLERGY REVIEW, page 482.

² CLERGY REVIEW, page 128.

³ *Le Liber Pontificalis*, 1886, T. I, cii.-civ. "*La chose est trop invraisemblable pour être admise sur un témoignage aussi faible*," says Duchesne. Mr. Belloc, however, has no hesitation, and down go fact and date as well, as though it were all as certain as the battle of Hastings. Where did the author of the life in the *Liber Pontificalis* get the story? "*C'est ce que dans l'état actuel des documents je dois me résigner à ignorer*"—so Mgr. Duchesne. "The archives of the Roman See," says Mr. Belloc. This is just what we can't know. Here Mr. Belloc is guessing—the crime of which, in the rest of the long paragraph, he convicts the unfortunate Harnack. Harnack, however, did give reasons for his guess, and did make clear that it was no more than a guess. His scornful critic does neither the one nor the other. Down goes *his* guess, as though it were a fact patent to whoever will use his senses.

⁴ *Cath. Ency.*, article "Eleutherius."

⁵ Article "Eleuthère" in the *Dictionnaire de Théologie Catholique*.

as their predecessors did before them. If future governments refuse our just demands we shall trudge the streets again, but to my mind it is more important and infinitely more praiseworthy to do our trudging with the object of ensuring for our children an equal share of the education that we pay for, and of giving the national system a leaven of Christian education of which we shall very soon be the only defenders. That is a policy worth fighting for.

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⁴ *Cath. Ency.*, article "Eleutherius."

⁵ Article "Eleuthère" in the *Dictionnaire de Théologie Catholique*.

of the long paragraph is beside the point.

As to St. Gregory Mr. Belloc⁶ misquotes me.

I still maintain that a Catholic writing in a non-Catholic country should be exact in his use of Catholic terminology. Archbishop Warham was not a saint just because he kept the ten commandments.⁷ To dub him such is to place him in the same class as his suffragan John Fisher and is bad history.

But once again I repeat that my quarrel here with Mr. Belloc is not his assertions but his printing of them without a hint whence he drew his information.

I mentioned five matters "which lead one to wonder if Mr. Belloc is abreast of recent work in history." The first was "the old inaccurate generalizations about Cluny." Mr. Belloc's account of Cluny⁸ is antiquated and is substantially incorrect. My source of information is the first volume of *La Réforme Grégorienne* by M. Augustin Fliche, published in 1925 at Louvain, the fruit of a detailed study of all the texts. This explains what Cluny was, what it has long been thought to be, and what it was not. Berengarius was not a sceptic for the very good reason that he was a rationalist, and his rationalism was very simply the effect of his enthusiasm for the new half-understood technique of dialectic and an inability—shared by his contemporaries—to delimit adequately the spheres of reason and faith. To call him a "sceptic" *tout court* in a text-book is to suggest he was a freethinker. For a good short account cf. E. Gilson *La Philosophie Médiévale*, Paris, 1925, pp. 33-8.

To the objection about the Crusades Mr. Belloc makes no reply nor does he to the challenged statement about the action of the Jesuits in England.

Inaccuracy in historical writing matters supremely—not the inaccuracy of slips that come, for example, of careless proof reading,⁹ but the inaccuracy that shows a writer less at home with his subject than he should be or than might be inferred from the unhesitating finality of his language. It is not so much the fact of the inaccuracy that matters—nor even, always, its degree—but the kind of inaccuracy it is. Mr. Belloc, in dealing with my objections under this head, descends in very unworthy fashion when he uses his great gifts to suggest that the inaccuracies objected to are all a matter of slips, of letting "twenty" through the proofs where the text should be "seventy". What I bring forward under this head is, he says,

⁶ CLERGY REVIEW, page 128.

⁷ Fr. Andrew Beck, A.A., writes: "Warham even went so far as to forge Fisher's name and seal on the paper presented to Henry declaring that all the Bishops agreed that he had a case to put before the Legatine Court," quoting Bridgett's *Fisher*, 168. Cf. CLERGY REVIEW, January, 1935, page 33.

⁸ *Shorter History*, page 94.

⁹ Cf. Mr. Belloc's last paragraph.

not even the "wretchedly poor material with which Dons provide one" it is not unworthy matter, it is not even matter of any kind at all. First of all I nowhere say of Mr. Belloc that he is "ignorant" though he makes great play with the suggestion that I do. He is, indeed, often in the wrong, but that is quite another matter. And his mistakes do at times lead one to conclude that he is not at home with his subject. For example, page 38 of the *History* about St. Helen and Constantine contains six mistakes and the remark in his reply¹⁰ that "St. Helen must have been baptized before he [Constantine] was" is simply silly, given the two universally known facts that the saint predeceased her son and that that son was only baptized on his death-bed. The elaborate reference to Eusebius and "Theosebys" and what Protestants think it means is beside the point. And when Mr. Belloc pictured me as "outraged by my calling her a good Christian mother" he is simply putting into my mouth words I never used, as again he misrepresents me suggesting that I describe his mistake as "a monstrous example of ignorance." May I repeat what I did say? The book "contains, as far as one has read it, far too many inaccuracies and loose statements—sometimes due to simple carelessness—too many novel and unproved assertions, too many omissions to be recommended as an introduction to English History."¹¹

Mohammedanism, it now appears, is only a heresy in Mr. Belloc's special sense of the word. In the technical sense of the term Mr. Belloc agrees that it is not a heresy. But if an educated Catholic writing history uses such a technical term it is presumed surely that he uses it in its technical sense, unless we are advised to the contrary.

The point about St. Dunstan is this. There are not wanting popular histories—"official" histories—to suggest that celibacy of the clergy as the generally decreed discipline in the Western Church goes back no further than the tenth or eleventh century. Mr. Belloc's phrase¹² might be taken to support this. Hence the amendment suggested—"it would be truer to say. . . ."¹³

The silly statement about Henry VIII's theological competency deriving from studies made before he was eleven years old is now clothed with new probability by a comparison with the proficiency possible to a lad of that age in French!

That Mr. Belloc knows all there is to be known about the Inquisition is possibly true—this with reference to the rhetorical paragraph in his reply.¹⁴ My objection was that what he wrote on page 227 of his book is misleading and so I still think it,

¹⁰ CLERGY REVIEW, page 125.

¹¹ CLERGY REVIEW, page 481.

¹² *Shorter History*, page 95.

¹³ CLERGY REVIEW, page 482.

¹⁴ CLERGY REVIEW, page 127.

nor does the fact of the whole truth being in the author's mind compensate for the misleading incompleteness of what he has put in his book.

As for the Council of the North I refer readers to the work on this institution by Miss R. R. Reid *The King's Council in the North* (1915). They will find that it was a body that functioned long before Thomas Cromwell was thought of.

Nor, despite Mr. Belloc's violence¹⁵ is he right about the Star Chamber. I have heard about the Act 3 Henry vii c i, which later on came to be called the Star Chamber Act. I have even read it and, since I do not trust myself to interpret out of my head what Acts of Parliament mean, I have read commentaries on it. The latest is in KENNETH PICKTHORN *Henry VII*,¹⁶ and his reasoned conclusion is that "the effect of the statute, at least for Henry VII's reign and some time after, may be taken to have been no more than to stifle discussion of the privy seal writs, of procedure by inquisitorial examination and of accusation without indictment."¹⁷ The Act 3 Henry vii c i "was certainly not regarded by its authors as in any way innovative."¹⁸ Dr. Fisher does bear out what Mr. Belloc says and what indeed we all used to think. But his book is thirty years old. A good deal of work has been done by scholars (even by "dons") since 1906, and Mr. Belloc's immediate reliance on so old a book is yet another instance of what I suggested in the review to the effect that he is not so familiar as he used to be with modern historical work.

The kind of thing I have called "understatements" is very serious. Whatever its cause in the mind of the author, it produces in the mind of an otherwise uninstructed reader (and it is presumably for such that in this book Mr. Belloc writes) a false historical perspective. Can there be a more serious error than mistaken emphasis, and what else, ultimately, is understatement? Do the understatements on which I commented matter? Let the reader judge. Mr. Belloc does not deny them. He shrugs his shoulders merely, and hints that he knows much more than he has written. This is beside the point of the objection which is that, thanks to understatement, in this instance, the beginner is in danger of being misled on points where the policy of the mediæval popes is open to the serious criticism that it paved the way for the religious disasters of the sixteenth century.

Finally, there remains to be considered the matter of the eight omissions. There is only one way out of this criticism and Mr. Belloc takes it. This is to say that some omissions are inevitable and that the matter omitted in these eight instances is

¹⁵ Cf. CLERGY REVIEW, p. 127.

¹⁶ Cambridge, 1934.

¹⁷ Pickthorn, *op. cit.*, page 47.

¹⁸ Pickthorn, *op. cit.*, page 145.

unimportant. What of this plea? Omissions in what is only an outline there must indeed be. But to omit matters which have a decisive influence on later events and not to indicate the omission is to mislead the reader. Mr. Belloc does this and explains, when objection is made to it, that the objection is due "to the impatience of a man used to a mass of detail when he finds himself dealing with a general outline." This is a guess and a rather unfortunate one.¹⁹ I object because Mr. Belloc fails to state, for example, the provisions of the two Acts of Parliament which are the very foundation of the religious body called the Church of England, or again the provisions of the Acts, passed in Catholic times, which were among Henry VIII's most useful tools in his destruction of Catholicism. I object to omissions which make the story of the Reformation incomplete and one-sided—the relations between Church and State and People during the fifteenth century, for example. And I object very strongly when such omissions occur in a book offered as a school text-book. Let the reader judge for himself if the matter omitted is important and whether to object is mere "donnish" eccentricity. Nor does Mr. Belloc repair this serious defect by telling us now, forced by an unpalatable critique, that we can find the whole story in his larger four-volume work.

¹⁹ If the reference is to me personally it is sillier even than such references usually are. Anyone who knows me at all knows that I have been for the best part of five years endeavouring to write just such another outline of the general history of the Church.

HOMILETICS

BY THE REV. ERNEST GRAF, O.S.B.

Second Sunday after Easter.

The Good Shepherd.

(1)

There is infinite appeal in the title which Our Lord assumes in the wonderful parable of the Good Shepherd. The appeal was felt from the beginning of Christianity. Some of the earliest pictorial representations of the Saviour of the world show Him in the guise of a shepherd—mostly as the shepherd who carries on his shoulders a sheep that has strayed from the flock and whilst helplessly wandering has become so exhausted that when the shepherd finds it he must thus carry it back to the fold. Or we see him taking his ease, playing on his rustic flute, whilst his flock lie contentedly all round him.

Tilling the soil and tending flocks are the oldest occupations of mankind. In the dawn of history "Abel was a shepherd and Cain a husbandman." There is something peculiarly intimate—one might say, affectionate—in the relations between a shepherd and his flock. Sheep are supposed to be stupid—as a matter of fact they are singularly intelligent, at least as regards their shepherd. Our Lord describes the chief features of pastoral life with obvious complacency. Every detail of the picture is drawn with a firm hand, as by one who knows. A Palestinian shepherd, even to-day, is a far more picturesque personage than the shepherds of our experience in this country. In the day time each shepherd leads his own flock over the lean grazing grounds of the valleys or the small patches of verdure—few and far between—that may be found on the slopes of the bare hills of Palestine. When night comes, if the flocks are not led home, they are enclosed in a common pen. The shepherds retire into their tents, leaving one of their number to remain on guard all night. Then the wolf or the robber may try to take advantage of the hour, by climbing over the fence or by forcing his way through the wattle of the sheep pen. If the man on guard is one hired for the job, and none of the sheep are his own, he will as likely as not think only of his own safety when he sees either robber or wolf.

In the morning the guardian opens the gate and each shepherd calls his own sheep by clicking his tongue, thus producing a sound which his own sheep instantly recognize. The shepherd knows his sheep individually and they know him. He walks in front of his flock and more often than not an assistant walks behind and a couple of dogs help to keep the herd together.

The point stressed by Our Lord is that the shepherd goes *before* his flock. Whenever he wishes to draw the attention of the flock, or of an individual sheep, the shepherd produces the peculiar sound which is his own particular secret and which the sheep never fail to recognize: *The sheep hear his voice—he goeth before them; and the sheep follow him because they know his voice.*

(2)

Generally speaking it may be right to say that in the Old Testament we seem to get a sterner picture of God than in the New. However, since the whole Bible comes from God and is a revelation of His character, His essential goodness and love could not be, and were not at any time, left in obscurity. The saints of old looked on God as a Father quite as much as we do and His tender love for man is admirably described in terms which are a sublime anticipation of Our Lord's parable of the Good Shepherd. The New Testament has the *parable* of the Good Shepherd: the Old Testament has its psalm of the Good Shepherd.

The twenty-second psalm is a touching picture of God's care of us in terms of the pastoral life. It is to be regretted that in the Douai version so much of the fragrance and beauty of the original text evaporates: *The Lord ruleth me and I shall want nothing* is far less forceful than *The Lord is my shepherd: I shall not want*. The Good Shepherd psalm enumerates the blessings enjoyed by the flock of such a shepherd. Here also the shepherd guides: *he leadeth me beside still, or refreshing waters: he guideth me on the right path*. Even in the deep valleys and the sombre gorges of Palestine, where the overhanging cliffs create at times an awe-inspiring gloom, the sheep fear no harm: "for thou art with me." *Thy rod and thy staff, they comfort me!* Rod and staff are by no means different names for one and the same thing. The Palestinian shepherd often carries a staff, though not always. But he never goes forth without his rod. This is a kind of club from two to three feet long, with a thick end, generally hardened at the fire and frequently weighted with nails. The handle-end of the club has a hole through which runs a leathern thong by which it can be fastened to the belt or suspended from the waist. The staff is a long stick—the proverbial shepherd's crook—though nowadays at least one rarely sees it ending in a curve. On this staff the shepherd leans when at rest; with it he chides his sheep, or if it ends in a crook, supports the weight of his body when he has to climb up hill, over rocky or otherwise difficult ground. Rod and staff are a comfort to the flock, for the one is carried to defend the sheep from wild beasts and robbers; the other, by easing the shepherd's task, contributes to a better shepherding.

After referring to the rod and the staff, our psalm, apparently, changes its character. A banquet is spread before the sheep.

I say "apparently" for if it is true that in this place a copyist's error crept into the text and that instead of "table" we should read "weapons," we get a much easier reading—one more in harmony with the context—for weapons are more useful against one's enemies than a well appointed table. The anointing of the head with oil and the cup that is refilled again and again is a hebraism to describe the prosperity of the flock whose Shepherd is God Himself.

(3)

This idyllic picture of the relations between God and mankind, beautiful and touching as it is, falls short of the self-portraiture of the Good Shepherd that we are fortunate enough to possess in to-day's Gospel. In order to get full value, so to speak, out of the psalm, which seems to promise little more than temporal security, prosperity and peace, we have to study its *spiritual* sense as well as the *mystical* and the *analogical*—that is, it must not be taken merely in its natural and obvious meaning. Not so the *Parable* of the Good Shepherd. Here we deal exclusively with spiritual values; the whole scene is lifted on to the supernatural plane.

The sheep are parked in the fields. Neither wolf nor robber would be likely to attack the flock were it housed near the dwellings of men. The good shepherd stakes his own life in the defence of his flock. *I am the Good Shepherd*: Jesus unites in His person every quality men demand from a perfect Shepherd. In the psalm, the flock is defended from harm and, when the grazing grounds give out and the spring fails, has food set before it and water poured into the troughs. Jesus came that His sheep *may have life and may have it more abundantly*; nay, He lays down His life for them.

(4)

The meaning of the parable is clear—clearer to us than it must have been to those who first heard it, for the catholicity of the call to the faith and to eternal life, which was what Our Lord meant to describe, was a thing which the narrow patriotism of Israel found it exceedingly hard to understand. To Israel the call came first. Those who listened to the Saviour's personal appeal formed His flock. But "other sheep I have that are not of this fold"—that is—souls that in His divine prescience He knows to be sheep, though as yet they have not heard His voice. As soon as they shall hear it, they will follow: "*they shall hear my voice and there shall be one fold and one shepherd.*"

Capital is made, in certain circles, out of the Greek word ποίμν = flock, used by the evangelist. Some people seek to excuse their remaining outside the unity of the Catholic Church on the plea that Our Lord never foretold that there would be one sheep-fold; that all He promised was that there

would be one flock. The argument is little more than a quibble—for to *ποίμνιν* = flock corresponds *ποιμήν* = shepherd: viz., one shepherd for one flock. In other words, the one flock of Christ, His Church, of which He is the sole Shepherd, is not made up of groups of sheep, enclosed within their own several pens, each with their own shepherd and having no ear for the voice of one supreme Pastor. There is but one flock, one fold and one shepherd. The Greek text is singularly forceful: "There shall be one flock, one shepherd."

(5)

Christ is the Good Shepherd. He has a care of the whole flock and His tender love goes out to every individual sheep and lamb. If our sins fill us with fear of the Judge, let us think of Him as our loving Shepherd. St. Mary Magdalen de Pazzi, with a playful familiarity that seems only possible to a saint—a Southern Saint, too—used to call Our Lord *Don Pastore!* Even if we have strayed at any time, it is always easy to be "converted to the shepherd and bishop of our souls." (Ep.)

Third Sunday after Easter.

(1)

To-day's gospel is a fragment of St. John's report—an all too brief one for our piety—of Our Lord's last discourses in the Supper room. Never before had Jesus thus poured out His innermost feelings. At no time had He revealed in so touching a fashion the real humanity in Him which had in no way lost its own characteristic properties, or had been in the least degree absorbed, as it were, in the glories of His godhead. God He was, but man he was likewise, and as such He thought, felt and spoke on this last night of His mortal life.

It was a night of farewells. The sadness of parting with our friends is in proportion to the strength and depth of our love. The Man-God loved His disciples not only as God loves all His works, He loved them with a human affection so that He genuinely grieved at the thought of leaving them in a world where manifold and protracted trials awaited them. It would almost seem as if, for a moment, Jesus felt inclined to ask the Father that He and they might not be parted at all. The thought appears to have presented itself to His mind, only to be rejected, for in His supreme prayer for them He pleads with the Father: "While I was with them I kept them in thy name . . . and now I come to thee . . . I pray not that thou shouldst take them out of the world. . . ." (John xvii.).

(2)

"A little while now and you shall not see me, and again a little while and you shall see me." The obvious meaning of

the sentence has been complicated and obscured by the accretion of the clause: "because I go to the Father," which is not in the Greek Text. As a matter of fact the idea of His return to the Father was previously expressed by Our Lord (verses 5 and 10). The "little while" of their separation is the brief interval of the Passion. Barely three days were to go by before they would meet again in the very room over which the impending separation cast its melancholy. What a difference in that gathering, for "the disciples were glad when they saw the Lord" (xx. 20). The sorrow of the disciples had its source, without doubt, in the sincere, strong, if too human affection for their Master on the one hand, and, on the other, in their failure to realize the magnificence of the work which their Lord was about to undertake and successfully to carry through. He Himself was eager to go forth, for so rich and fruitful would be the stream of grace that was about to burst from the barren rock of Calvary, that He deemed it a joyful and desirable thing to suffer; so much so that He found it in His heart to say: "I have a baptism wherewith I am to be baptized: and how am I straitened until it be accomplished?" (Luke xii. 50).

In St. John's account of the discourses, as given in Chapters xiv.—xvii., we should not look for a close connection of the parts or a strict, logical sequence of ideas. The account is loosely put together and there is no need to imagine that the words of Our Lord were spoken in the order in which they are recorded. All St. John affirms is that these things—and many others which, alas for us, he has not recorded, were uttered on the night in which He was betrayed. It may even be that some things were here inserted which were spoken on some other occasion but which fit into the context. In like manner the *perspective* of the discourses varies. At times Our Lord addresses Himself exclusively to the twelve, or He looks forward into all the future centuries of the Church, or He has in mind that timeless eternity for which life in this world is a preparation. In the Gospel of to-day the natural and immediate perspective seems to be the few days' separation during the Passion, and, secondly, the joyful reunion on Easter day, the gladness of which was to be spread over forty days. True there was to be a final parting, for an indefinite period, on the day of His Ascension, but that separation caused them no pain, strange as it must seem, unless we bear in mind that then at last they understood their Master's mission: as He soared upward, into the azure sky, they worshipped Him and forthwith "went back into Jerusalem with great joy" (Luke, ult. 52).

(3)

But we must read our gospel in the light of traditional interpretation. To know the natural and historical setting of the passage is in itself most profitable—but the incident is charged with deep spiritual significance which the Fathers and

commentators after them, have pointed out in glowing terms—St. Augustine, in the homily which we read in the Breviary on this day, expatiates on this aspect of the gospel. The “little while” is this present world. If this “little while” seems long, it is because we are now living it. A sleepless night is not really longer than one in which we enjoy uninterrupted repose—but it feels as if it were never to end because we note each dragging hour as it slowly passes by. When life—even what men reckon a long life—draws to its inevitable close, we realize how brief it has been. Even so is the whole duration of the world by comparison with the endless future.

The apostles had sorrow when their Master was gone from them. So must all of us experience grief. But when sorrow comes we should comfort ourselves with the knowledge that it is only a brief interlude. Our sharpest pain is but like the travail of a woman who presently forgets her anguish in the joyful realization that she has handed on the torch of life to another human being. Yet a little while and we shall behold the Lord for He “delayeth not his promise” (2 Peter iii. 9).

(4)

The concluding sentence, with the splendid prospect it opens, will never be more than partially fulfilled in this world. The Lord does indeed “see us,” but His visits are so elusive that, whilst they thrill the soul, they make it feel its prolonged exile all the more keenly. “He is wretchedly poor who liveth without Jesus; and he is exceedingly rich who is well with Jesus” (*Imitation*, Bk. II, viii.). Joy ever alternates with sadness, but even thus do we hasten towards the goal, as a boat progresses on its course whilst it rises on one slope of a wave and slides down on the other. Only when we shall see the Lord, in the land of the living, shall joy be our lot for ever. In the meantime it behoves us to heed the exhortation of the Prince of the Apostles, who in the epistle of to-day, bids us realize that we are strangers and pilgrims in a land not our own, where it cannot be our intention or desire to settle down in comfort. It is sometimes said that if a Christian really looked at himself as a stranger and a foreigner, he would be unfit to play the man in the battle of life: in a word, that unworldliness or other-worldliness unfits a man for this world. This is simply sophistry. Precisely because the next world is so real to him, a Christian refrains from vices, and practises the virtues enumerated by St. Peter in the epistle of this Sunday. When a man is profoundly conscious that his life in time is closely and indeed inextricably linked to his destiny during a whole eternity, he will not be a worse, but a better citizen of this world. Such a man views life in its true perspective. He sees the smallness of little things and the greatness of big things, for he judges not “by man’s day,” viz., by human standards, but by the standard of God.

Fourth Sunday after Easter.

(1)

I am afraid that experience proves that for a vast number of Christians the Holy Ghost remains an "unknown God." If this statement is too violent or too sweeping, at least as regards ordinarily fervent Christians, it remains nevertheless true that even they are but inadequately aware of the preponderant part the Holy Ghost plays in the economy of our salvation and sanctification. Yet the rôle of the Holy Ghost, in the supernatural sphere, must be of enormous importance since Our Lord, who assuredly was neither given to, nor even capable of, exaggeration goes so far as to tell His disciples: "It is expedient to you that I go: for if I go not, the Paraclete will not come to you; but if I go, I will send him to you."

(2)

These words are bound to set us wondering. Was not Jesus sent into the world to be its Light, its Teacher and its Saviour? Assuredly He is the way, the truth and the life. He alone has the words of eternal life. All things whatsoever He has heard of His Father He has made known to us (John xv. 15). It would be heresy to hold that Jesus is not the supreme Teacher and that what He spoke during the few years of His life in this world does not sum up, confirm and complete the knowledge of Himself that it pleased God's wisdom to reveal to mankind.

Nevertheless, as an explanation, or justification of what He told the Apostles concerning the indispensable necessity of the assistance of the Holy Ghost, Our Lord adds that He Himself could tell them yet many things, but it would be useless to do so, for at the moment the disciples would not be able to understand Him, even after three years of daily familiar intercourse with Him, "But when he, the Spirit of truth, is come, he will teach you all truth." The new Teacher "will not speak of himself, but what things soever he shall hear, he shall speak." From these words we rightly gather that the Holy Ghost will indeed come as a teacher, yet, if reverence for this adorable Person of the Blessed Trinity allows of its being put that way, He is not, so to speak, an original teacher, for His teaching is officially and essentially circumscribed and limited by the very nature of His mission. Though Our Lord appears to hint that the Holy Ghost will reveal what He Himself has withheld, owing to the apostles' inability to take it in at the time, He yet seems to say that the new teacher will not impart anything of His own, anything of His own peculiar or privileged treasure of wisdom. On the contrary "what things soever he shall hear, he shall speak . . . he shall receive of mine and shall show it to you."

(3)

The work of the Holy Ghost in the minds and hearts of the faithful is therefore not different in essence from that of Christ—rather is it complementary—in the sense that the Holy Ghost acts upon the faculties by which we know and love divine things rather than that He reveals new truths not made known by Christ. In other words, the Paraclete expands, broadens, matures our supernatural character. He also throws fresh light upon that which we have learnt from the lips of Jesus. Thus whilst nothing essentially new is made known, we begin to see and to grasp, with unprecedented and hitherto unattainable clearness and tenacity, that which we had always believed.

Baptism makes us children of God. Confirmation which is, as it were, our own personal Pentecost, makes us men, gives us spiritual maturity. Sweet are the charms of childhood—yet the fondest mother would not wish her child to remain a child for ever—she longs for the graces of childhood to ripen into the strength of manhood. Or, to use another illustration: when we read, say, Virgil or Horace or one of our English poets at school, we no doubt fell under the spell of their genius—but when we pick them up in middle age what a flood of thoughts the same passages call up: thoughts and ideas we had never guessed at before. The poem is what it always was, the change is in ourselves. Something like this, only incomparably more precious, results from the presence of the Holy Ghost. To realize it we need but look at the Apostolic College before and after Pentecost. Outwardly they were unaltered, but their spiritual and moral character was changed almost beyond recognition.

(4)

However, some of the wisest commentators hold that Our Lord's words may very well imply the imparting of new knowledge, seeing that He says: "the things that are to come he shall show you." The Apostles, by reason of their unique position in the Church, may therefore have been taught things not revealed by Our Lord. On the other hand the Church has expressly condemned the proposition that anything was added to the deposit of the faith after the death of the last of the twelve. (Cf. Decree of Holy Office, Denz., 2021). But the Holy Ghost ever assists the Church and leads each successive generation of her children into all truth. This is the true meaning of the words: "he will teach you all truth"; that is, He will take you by the hand and guide you along the road to truth, the whole and complete truth—*ὁλην ἀλήθειαν*. This precious guidance is given to the official teachers. It is likewise bestowed on every one of us, according to our need or calling.

(5)

There has always been an element of obscurity about the promise that the Holy Ghost "will convince the world of sin,

of justice and of judgment." The world here spoken of is, in the first instance, the Jewish world; the sin of this Jewish world is its unbelief, which caused the leaders of the people to condemn Jesus unjustly. The Holy Ghost, by the splendid gifts He lavishes on the Church and by her expansion over the whole world will convince (*viz., convict*) the whole world (*viz., the Jews and all unbelievers after them*) of the injustice of its attitude to Christ. The fact of Our Lord's return to the Father contributes or brings about this condemnation of the world precisely because the Spirit is sent by Him and because that which the Spirit gives He has Himself received from Jesus: "he shall receive of mine and show it to you."

(6)

Another difficulty of this gospel is the statement that the Holy Spirit could not come unless Our Lord first withdrew His presence. It would seem that the explanation must be sought in the very economy of salvation. We are saved by faith in Christ. His visible presence would have left no room for the exercise of that vital virtue. There would be a certain antinomy between Christ's sensible, local presence and His spiritual closeness to souls by faith and grace. On the other hand the Holy Ghost will continue the Saviour's work—in His own characteristic manner—one precisely in keeping with the order established by Providence, and all the time He, too, will be an object of faith whilst continually strengthening and even illuminating our faith, in the measure in which such illumination is compatible with the essential darkness of faith.

Fifth Sunday after Easter.

(1)

As on the two preceding Sundays, to-day's gospel is taken from John xvi. Even if the choice had not been made of a set purpose, it would be a singularly appropriate one since this is the opening of the solemn triduum of prayer for the fruits of the earth—the lesser litanies—as the liturgy calls it.

Probably no topic is more frequently treated in the pulpit than that of prayer. Hence the subject is somewhat threadbare. It is difficult to be fresh or original on a theme with which our audience is familiar. For all that we may not shirk it for salvation is the fruit of prayer—our own, or, thank God, someone else's. The communion of Saints makes it possible to obtain saving graces for others, and our membership of Christ's mystical body enables each one of us to benefit by the prayers of everybody else: "Pray for one another, that you may be saved, for the continual prayer of a just man availeth much" (James v. 16). Here is a truly comfortable and comforting word!

(2)

Many people do not give themselves to prayer because they deem it a dull, soul-less occupation. Yet not only is prayer, if rightly understood, an interesting, shall I say, fascinating task, it even has about it a perennial spice of freshness and novelty. In prayer we exercise our highest faculties—those powers by which the meanest man is infinitely raised above the “noblest” animal. Mind and heart both put forth their characteristic energies, and the object in which their action terminates is nothing less than the Creator of man—for, says St. John Damascene, prayer is the raising of mind and heart to God.

Prayer, at its best, is not mere abject or selfish begging. Supplication is indeed one of the many forms of prayer—an all-important one, as a matter of fact—but not the only one, nor the noblest. In the *Gloria in excelsis* we have handed down to us from the early centuries the Church’s idea of prayer: *Laudamus te, benedicimus te, adoramus te, glorificamus te, Gratias agimus tibi*. . . . First praise, blessing, sheer worship and adoration with thanksgiving: only then does the Church think of the needs of her children. Her *miserere nobis* and her *suscipe deprecationem nostram* do not precede, but follow her glorious outburst of exulting praise and thanksgiving.

(3)

Supplication for ourselves and intercession for the Church and the world is a duty we cannot shirk. And such prayer should be constant: “We ought always to pray, and not to faint” (Luke xviii. 1). “Pray without ceasing” (I Thess. v. 17). “Be constant in prayer: watching in it with thanksgiving” (Col. iv. 2). Perseverance in prayer is a condition of salvation: “After baptism, says St. Thomas, ceaseless prayer is necessary to man if he is to enter heaven” (3 Part, q. 39. a. 5).

It may be asked why such need of prayer seeing that God is well aware of our needs? The reason must surely be looked for in the fact that prayer implies a recognition of our utter dependence on God. When we lift our eyes and hands to Him we take up the only attitude that becomes a creature—a being that is made out of nothing, hence owing all it is and has to Him at whose bidding it sprang into existence.

Prayer quickened by faith and warmed by charity is all-powerful. It is a lever with which we may raise the whole world. “When it prays,” Bossuet says somewhere, “a feeble creature puts on, like a cloak, the very omnipotence of God.” Whence is this strange power? It springs from the fact that God has pledged His word that He will not be deaf to the voice of prayer. Such is the glorious message of to-day’s gospel: “Amen, Amen, I say to you, if you ask the Father anything in my name, he will give it to you.”

The passage of Ch. xvi. read to-day gives us the very last words Our Lord spoke to the disciples whilst still in the condition of mortality. Presently, viz. after His resurrection, He will speak to them more clearly—He will even reveal the mystery of the Blessed Trinity. Then will they pray to the Father, through His Son, in His name, nay, they will even pray to Him. The Apostles did so for the first time at the election of Matthias (Acts i. 24). A difficulty occurs when Our Lord adds: "In that day you shall ask in my name: and I say not to you, that I will ask the Father for you: for the Father himself loveth you, because you have loved me." We know that Our Lord is our mediator now, "always living to make intercession for us" (Heb. vii. 25). The meaning, according to Lagrange—*clarum et venerabile nomen*—is this:—"There is no need for me to draw the Father's attention to you—The fact of your love for me is sufficient recommendation—The word *ἐρωτάω* in St. Luke, seems to mean, in some instances, a drawing of attention to a person, rather than to a demand" (Cf. Luke iv. 38).

(4)

No doubt these wonderful outpourings of the heart of Our Lord were meant, in the first instance, and even chiefly, for the Apostles since their relationship to Him was a privileged one even as their mission was a singular one. But they are also addressed to a wider circle—that is—to the whole Church for "what things soever are written, are written for our learning."

We pray in the name of Jesus when we unite our aspiration to the pleadings of the eternal Mediator—our prayer is irresistible if it glows with the love of the Father's "beloved Son, in whom he is well pleased." Expressing divine truths in the feeble language of mortal man, we may say that both our prayer, and ourselves, are sufficiently recommended if we love Jesus and if we believe that He came out from God.

NOTES ON RECENT WORK

DOGMATIC THEOLOGY.

BY THE REV. GEORGE D. SMITH, D.D., Ph.D.

Dr. Capéran's classic *Le Problème du Salut des Infidèles* is too well known to need advertisement and its merits have been so universally and authoritatively recognized that any recommendation of it would seem an impertinence. But these are reasons which at the same time call for a remark on the appearance of a new and revised edition of the work.¹ It is more than twenty-two years since it was first published and it was in its second edition when the war broke out; the whole of this was destroyed during the occupation of Lille. The work in its new form does not differ materially from the original, except that the historical part of the author's essay has now been brought up to date, while the theological essay has received some additions in the form of a critique of the more recent theories on the subject, particularly of the ill-fated theory of the late Père Billot. But the re-reading of this masterly study brings a renewed conviction of its excellence. As everybody knows, the solution favoured by the author is the traditional one, according to which God gives sufficient grace to infidels, and if they correspond with that grace He leads them step by step to justification. Faith is necessary for salvation, indeed, but a faith which accepts Divine Providence and the merciful designs which God has in man's regard is sufficient to contain implicitly that adhesion to Christ which is indispensable, and to make the believer a member—by desire—of the visible Church outside which there is no salvation. That all men may be able to make such an act of faith, the interior illumination of God's grace will not be wanting.

Of special interest in this new edition of Dr. Capéran's work is a chapter of the *Essai Historique* which considers the traditional solution of the problem in relation to missionary effort. Is the preaching of the gospel to the infidel a matter of life and death, if it is true that God accords extraordinary means of salvation in the absence of such preaching? Can we justly plead with the faithful to send help to those who are plunged in the "darkness" of infidelity, if that darkness is already being dispelled by the interior illumination of God's grace? The question is an interesting one, and not all the answers mentioned here are equally satisfactory. To answer with the Abbé Glorieux that it is not a question of life or death but a question of life or fullness of life, seems—to say the least—

¹ T. 1, *Essai Historique*, 32 fr.; T. 2, *Essai Théologique*, 12 fr. (Grand Séminaire, Toulouse. 1934.)

considerably to weaken the force of our appeal for the Missions. Better, perhaps, to content ourselves with the answer which Dr. Capéran had already given more than twenty years previously, namely, that "ces moyens extraordinaires de salut, pour efficaces qu'ils soient, ne sont jamais des succédanés, des équivalents complets des moyens d'action de l'Eglise. . . . Les infidèles ont tous la possibilité pratique de se sauver, mais tant qu'ils ne connaîtront pas l'Eglise, le salut leur sera plus difficile qu'aux chrétiens, et surtout, plus difficilement ils atteindront un haut degré de sainteté."

Or perhaps even better still, one might also reflect that these extraordinary means of salvation, which God places at the disposal of those whom the Gospel has not yet reached, are not intended to supply the deficiencies of the means which He has entrusted to His Church—these means are all-sufficient; for did not God Himself provide them?—but rather to fill the gap which is left through the selfishness of so many Christians who rarely, if ever, think of their duty towards their non-Christian brethren. On all members of the Church, in their measure and according to their means, status and condition, falls the duty of preaching "the Gospel to every creature." A divine Church whose ministers and members are human will preach the Gospel gradually; and God, who "wills all men to be saved and to come to the knowledge of the truth," will not allow the limitations of those whom He has chosen to be His instruments result in millions of His creatures lacking the grace of which they stand in vital need. But those uncovenanted means of salvation by which He supplies human deficiencies are a constant reminder that the gradual spread of the Gospel is perhaps more gradual than it need be. Perhaps it is slow because not all the members of the Church are anxious to hasten it on. They may serve to remind us, too, that the mystical body of Christ "maketh increase by what every joint supplieth, according to the operation in the measure of every part," "until we all meet into the unity of faith and of the knowledge of the Son of God, unto a perfect man, unto the measure of the age of the fullness of Christ."

But missionary activity also raises another problem, that of *The Burden of Belief*.² Why lay the heavy burden of Christian responsibilities upon those who may be better off without them? When we look at our pagan contemporaries are we justified "in striving by every means to bring into (the Catholic Church) those who are already treading in perfect good faith a path which by all human standards is a thoroughly good one? . . . No, let us be honest: however loyally and sincerely we subscribe to all that our Faith imposes on us, there is to-day a constant doubt in our minds as to whether we quite know what we are imposing on the 'others'; whether we realize what we have to answer for, in the full meaning of the word, to those

² By Ida Coudenhove. (Sheed & Ward. 1934. 3s. 6d.)

whom we draw into the fold, whether it be from 'paganism' or from an unawakened conventional Christianity, and on whom we force the destiny of one who has consciously accepted Catholicism" (pp. 6-7). Or, to put it from another angle: "Why should we approach 'decent' people, such as we know to be spiritually awake and aiming at the highest; who are far finer specimens of humanity, healthier-minded, more genuine, more worthy of esteem, than so many of us who believe; who bear as we do a law in their hearts and make sacrifices to keep it, even though it be a different law from ours?"

Miss Coudenhove does not shut her eyes to any aspect of the difficulty, and the dialogue form which she uses in her book is admirably adapted to present the problem in all its bearings. The answer, of course, to what is after all only the modern form of Pelagianism lies in an emphasis upon the supernatural destiny of mankind. It is not the purpose of Christianity to develop the powers of humanity considered merely as *human*. Men have been raised up to be partakers of the divine nature; and while it is true that grace does not destroy nature but perfects it, it is none the less conceivable that one who from the point of view of his physical or even intellectual development cuts a poor figure in the eyes of those who admire the "strong man," may yet be a hero of supernatural sanctity. These and similar considerations are well developed by the author (pp. 25 ff.), and in addition she twists the argument back against the modern pagan who glories in his human natural virtues, by reminding him of his debt, even in the matter of these, to Christian revelation.

But, while Miss Coudenhove states, as strongly as it is possible to state it, the true solution to what is a very real difficulty, it may be that some of her readers, alternating in agreement with "He" and "She" as they propose or answer objections, will remain unsatisfied with regard to some of the details discussed. The dialogue form, unless it remains a mere catalogue of questions and answers, is apt to leave these "loose ends." So, for example, "She" asks (on page 84) the very pertinent question "What lesson 'in Christian discipline' can there be for us in the lives of First-communicants who died before their period of probation is in sight, before they could be called upon to face the test of life?" But I have sought in vain for "His" answer to it. And one is left with the impression that there is something unmanly in admiring the supernatural sanctity of the very young. Yet surely, when the Church canonizes a young and innocent soul, is she not giving us a salutary object-lesson to counteract the spirit of modern Pelagianism?

In preparing his text-book on the Sacraments,³ Fr. Connell has evidently drawn upon a rich experience in teaching dogmatic theology. His book covers the treatises on the Sacraments in

³ Rev. F. J. Connell, C.S.S.R., D.D.: *De Ecclesiae Sacramentis*. (Beyaerts, Bruges; Pustet, New York. 10 belg.)

general, Baptism, Confirmation and the Eucharist; and it can safely be recommended as a really excellent text-book on these subjects. I have looked to see if anything of importance has been omitted, and everything that I sought is in its proper place. Indeed, there is much—for example, notes on the teaching of the Orthodox Eastern Church—which normally in a manual of this kind you might seek in vain. Of special value is the author's sober and discerning judgment in those matters upon which the learned differ.

In spite of Dr. Miller's excellent translation of the Rev. V. M. Breton's work under the title of *The Blessed Trinity (History—Theology—Spirituality)*,⁴ it seems that the perfect *œuvre de vulgarisation* on the Trinity still remains to be written. The history of the revelation of the dogma and of Trinitarian teaching during the early centuries of the Christian era is excellently done; the third part, which deals with the importance of the dogma in the Christian life, is also valuable. But one doubts whether the theological exposition which forms the middle part of the book has been so simplified as to become accessible to the lay-mind. In this matter, above all, criticism is much easier than construction; the very hardest might well shrink from the task of popularizing the concept of a subsistent relation. Perhaps the task is an impossible one. If so, then we have but to acknowledge that here again the impossible remains unachieved. It may be true, as the author writes, that "the philosophical study of Relation . . . would be of but little help to those who are not acquainted with Scholasticism, and little profit to those who are" (page 116). Nevertheless, it is only by the study of the nature of relation that the theologian is enabled to defend the dogma against the charge of absurdity; and I doubt whether the three pages (116-119), which Fr. Breton devotes to the subject, will do much to set the troubled mind at rest. Indeed, the reader might be tempted to ask whether a relation is a reality at all, since it is stated that "a relation does not modify the things related; a relation between two quantities . . . or between two beings . . . leaves the two quantities or the two beings in the same state whether the relation is perceived or not." Or is a relation one of those things *quorum esse est percipi*? It appears from the subsequent treatment of the question that the Trinitarian relations at least are real, since the Divine Persons are subsistent relations; but the preliminary explanation of relation in general does little to clarify this very difficult concept. The famous objection derived from the principle of compared identity is dealt with on pages 111-112: "That two things equal to or identical with a third thing should be themselves equal or identical, is certainly true in mathematics, or the conceptual order wherein the objects are only the relations between concepts. But the vital order has a higher logic; its

⁴ Sands, (1934. 3s. 6d.)

objects are existing things and their natures. Our affirmations about things only express the ideas we conceive of them, and the reality is far bigger than the idea, just as Peter's personality is far more than his name in our mouths or his look in a photograph. Peter is a microcosm; he cannot be squeezed into a word. What wonder, then, that the human mind falls short when trying to seize God." The distinction between the conceptual order in which a principle may be valid and the vital order in which it no longer holds good may perhaps be convenient for the author's present purpose. But it might prove a dangerous weapon to be used against him. Thus it might be—and, indeed, has been—argued in favour of the "kenotic" theory of the Incarnation that, since "life is larger than logic," an immutable God might be able to divest Himself of His divinity, if the ethical advantages of such a course were seen to prevail over its metaphysical difficulties. One remains convinced that the philosophical study of Relation, however unappetizing to the lay-mind, however impotent to "explain" the mystery of the Trinity, provides the only means of replying to those who claim that the dogma is an evident contradiction in terms.

QUESTIONS AND ANSWERS

THE INDUCTION OF PARISH PRIESTS.

Was there in pre-Reformation times a ceremony of induction for newly-appointed parish priests? Does it come in any ancient Pontificale, and was it carried out by a Dean or by a Bishop?

In some dioceses in England the Dean is merely the head of the conference. In others he carries out the instructions for Deans as described in the Code, and inducts the newly-appointed parish priest informally and privately according to canon 1443. In a few dioceses the Dean carries out a very elaborate ceremonial in English, which is sometimes criticized as being unliturgical and borrowed from Protestantism. Which of these, if any, is the more correct?

Supposing that there are Deans in England, does the induction of the newly-appointed parish priest give him any further security of office than the appointment of the Bishop? (V. F.)

REPLY.

In pre-Reformation times the right and duty of inducting newly-appointed parish priests pertained to the office of Archdeacon. Innocent III says so expressly in reply to a question on the duties of the Archdeacon.¹ With the decline of the Archdeacon's power, however, the right of induction became reserved to the Bishop. Boniface VIII stated that during the vacancy of a bishopric, the Chapter could admit and institute the cleric presented to a benefice, adding: "*licet ad episcopum, si superesset, admissio et institutio huiusmodi pertineret.*"² The Bishop normally performed the corporal institution through his delegate, who was generally the Rural Dean.³ We are not aware of any ceremony of induction to be found in the ancient Pontificals. Indeed, it is unlikely that it should find a place there, as induction is of a juridical rather than a liturgical character. It is the formal and official taking possession of a benefice by a cleric who has accepted his appointment legitimately made thereto. It is traditional that the taking of actual possession should be expressed in some symbolic manner. Rebuffi (1487-1557), in his classic work, "*Praxis beneficiorum*," gives us a typical notary's report of the installation being made, in virtue of the appointment of N.N. by the

¹ Cap. 7, tit. xxii, lib. I. *Decret.*, De officio Archidiacon.

² L. III, tit. vi, *De institutionibus*, C. i.

³ Cfr. *Mediaeval England*, ch. X, §3; *The Secular Clergy*, by G. Baskerville, p. 412.

Bishop or the Holy See to a specified church. The act of possession took place "per ingressum eiusdem ecclesiae, aspersionem aquae benedictae, osculum maioris altaris, tactum libri missalis, et sacrorum ornamentorum, et per pulsum campanarum."⁴ He adds that nobody opposed the act of taking possession, that it was performed in the presence of witnesses, and that a great multitude were present. All writers on the subject allow for a variety of local customs, in the symbolical expression of taking possession. Writers on installation amongst Anglicans mention the giving of a bell-rope to ring the bell. The writer in the *Catholic Encyclopædia* on "Institution" specifies as examples, the handing of one of the church keys, putting in possession of the high altar, the pulpit, or the confessional.

Under the present legislation, it belongs to the Ordinary to perform the induction ceremony, personally or by delegation.⁵ The actual method of giving possession is left to particular legislation, or may be determined by a properly-established custom. In view of the freedom given to the individual Bishop as a legislator, it is evident that any approved form containing the essential elements, cannot be condemned as incorrect, merely because it is too simple or too elaborate. Much can be said in favour of the practice of performing the ceremony immediately before or after a service which the people can conveniently attend. The act of induction has juridically a "public" character, and it is unquestionably of immediate interest to the parishioners. The word "unliturgical" denotes a violation of one or more of the laws governing the liturgy. The remedy for such a violation is not far to seek. Prescribed forms of induction are more correctly described as "alitururgical." They are not found, as such, in the missal or other liturgical books; but neither is the modern form of "Benediction," or, for that matter, innumerable devotional practices which local Ordinaries command or approve in full accordance with the spirit of the liturgy. In some dioceses the ceremony is carried out in a simple manner, in others with more elaboration. At the wish of the Ordinary, the occasion is availed of to preach to the people on a special subject, e.g., the sacred priesthood; and other functions, such as solemn Benediction, are prescribed, which emphasize the significance of the occasion, without savouring of Protestant practices, or violating the liturgical laws.

When a priest is duly appointed to a vacant parish, he receives by the fact of appointment a title in justice, a "*ius in re*," to the parish in question, and the consequent right to be inducted. Not until he is inducted does he obtain the "*cura animarum*,"⁶ or the power to assist validly at marriages within

⁴ L. I, cap. xxiii, 14.

⁵ Canon 1443, §2.

⁶ Canon 461.

the parochial territory.⁷ And only when inducted does he enjoy all the rights, in spirituals and temporals, annexed to the benefice.⁸ His security in office belongs to him by his very appointment, whether his parish be "amovibilis" or "inamovibilis."⁹ Hence he can only be *deprived* of the title to his parish when one or more of the canonical causes are present. It is, indeed, true that most of these causes, which are enumerated in canon 2147, §2, imply that the parish priest has already been exercising the care of souls in the parish. This is intelligible, when we reflect that the legislator is providing for what normally happens. The causes, expressly mentioned are demonstrative, for in view of the word "praesertim" in the first line of paragraph 2, other causes of removal are possible. Besides, it is taken for granted that the Ordinary has exercised the diligence required of him by law in making his selection of a candidate, and that he has conscientiously fulfilled his grave obligation of appointing the priest who is best qualified to rule the parish in question.¹⁰ There is, however, one case in which a parish priest may acquire "security" by the fact of having taken possession of a parish. The Code acknowledges prescription as a valid title to a benefice in certain circumstances. The ancient legal principle still holds: "*Sine possessione praescriptio non procedit.*"¹¹ A cleric who can prove that he has had peaceful possession of a benefice for three years, in good faith, even though his title was invalid, acquires the benefice, provided that no simony was committed.¹² Such a case would arise where a priest has been in peaceful possession for the prescribed time of a parish to which he was invalidly appointed by his Bishop, contrary to the ruling of canon 1435, §1, 1° or 4°. Such an invalid appointment is less likely nowadays, since the publication by the Holy See of special rules of procedure in the conferring of reserved benefices.¹³

PATRICK J. HANRAHAN.

CONFESSOR OF NUNS.

From Canon 521, §2, in addition to the "ordinary" and "extraordinary" confessor, local ordinaries should appoint certain confessors for each religious house who are to hold themselves ready to hear confessions "*in casibus particularibus*," if requested to do so. Does the phrase "a particular case" refer to circumstances in which the whole community desire

⁷ Canon 1095, §1, 1°.

⁸ Canon 1472.

⁹ Cfr. canon 454.

¹⁰ Canon 459.

¹¹ Regula 3 Iuris in VI°.

¹² Canon 1446.

¹³ Cf. *Clergy Review*, 1931, Vol. I, p. 211-212.

his services, for example, because of the indisposition of the ordinary confessor? (H.)

REPLY.

The formula employed in the wording of the canon is taken, with a few changes, from the decree *Cum de Sacramentalibus*, February 3rd, 1913. The earlier decree *Quemadmodum*, December 17th, 1890, had "ut propriae conscientiae consuleret," which was explained as follows: "Moneat Ordinarius moniales et sorores de quibus agitur, dispositionem articuli IV Decreti *Quemadmodum*, exceptionem tantum legi communi constituere pro casibus dumtaxat verae et absolutae necessitatis."¹ Therefore, if the law is regarded in its historical sources, it is fairly clear that, in these documents, the Church had in mind the case of a particular nun who, for a just cause, desired one of the special supplementary confessors. The motive, also, of the legislator, supports this view, namely, the suppression of abuses on the part of religious superiors who were sometimes inclined to forbid Holy Communion to individual subjects whom they judged unfit. Nevertheless, the text of the canon makes no distinction between individuals and the community. We may, therefore, conclude that these confessors may validly and lawfully use their special faculties when requested, for the benefit of the whole community, provided they do not do so habitually. The habitual use of these faculties would make the supplementary confessor, in effect, an ordinary confessor, and for this office special permission is required. This is the solution given, amongst other authors, by Sobradillo, *De Religiosarum Confessionibus*, p. 159, and Cappello *De Poenitentia*, n. 468; Cf. the authorities cited for both interpretations in *Collationes Brugenses*, 1923, p. 471. Pending any official solution the liberal interpretation may safely be followed.

E. J. MAHONEY.

¹ Gasparri, *Fontes*, n. 2017, 2019.

BOOK REVIEWS

Psychic Phenomena of Jamaica. By Joseph J. Williams, S.J.
(Dial Press Inc., New York. \$2.50.)

A couple of years ago a discussion in the Catholic Press on Voodooism came to a rather sudden end, owing to the sheer inanity of those engaged on one side, it might be said by those who were left in possession of the field. This was a pity, because in the middle of it there was published quite independently a masterly study of the subject, *Voodoos and Obeahs*, by the well-known anthropologist, Fr. Joseph Williams, S.J. This work has since earned the following appreciations: "You have by your sound scholarship laid all students of human mythology under a deep debt" (Sir Arthur Keith); "It is satisfactory to see this difficult subject approached in a learned and scientific manner. Hitherto I have avoided the subject as the approach seemed so unreliable" (Mr. Havelock Ellis); "Mit Ihren Werk *Voodoos and Obeahs* haben Sie sowohl der Religionswissenschaft als der Missionswissenschaft einen grossen Dienst geleistet" (Fr. P. W. Schmidt, of *Anthropos*).

Perhaps the work of Fr. Williams is not as well known even to the well-informed reading public as it is in international circles of anthropology. The present work, while summarizing the contents of the former one, proceeds to an accurate and first-hand examination of the numerous phenomena known as obsession, poltergeist, evil spells, etc., which are rife in the West Indian islands. In dealing with such things as they occur among ourselves it is customary for us to adopt the convenient formula that they undoubtedly occur, are preter-natural and are to be attributed to the activities of the Devil and his legion. Fr. Williams comes to such a conclusion, on the whole, but in many cases reiterates his own formula: "I do not know."

This attitude of the severest scientific scepticism is not Pyrrhonism. The vast amount of material which he has collected from his own experience and from the truly judicial examination of reliable informants goes to show that a good deal more must be collected before we are in a position to judge securely. His restraint may be disappointing to those who like conclusions. But in a matter like this it serves the best interests of true science. An amusing instance that shows how easily one can be deceived is the case of the alarm-clock that fell off his table twice during the night, and did so again in broad day. The fact was that it had to be laid on its back in order to go at all, and the winding-handle, being somehow wrongly connected with the spring, turned slowly round and levered the clock along. But other and more sinister cases that look more promising are simply rejected through some slight judicial flaw in the observed or reported circumstances. There remain enough to

stimulate the deep interest of those who are attracted to the study of these abysmal hinterlands of poor humanity, especially in the tropics, whose renowned beauty is closely invested with a world of nameless horror.

One significant generalization emerges. The evil influences, or agents, are usually recalcitrant, with violence, to the sacramentals, holy water and ritual formulas. But the sacraments of Baptism and Holy Communion appear to restrict their available sphere of activity.

P. DE TERNANT.

The Communist Attack on Great Britain. By G. M. Godden. (Burns Oates & Washbourne. 87 pp. 1s. 6d.)

This little handbook gives a full and accurate description of Communist activities in this country. As such, it should prove useful to priests and social students. But, unfortunately, though the details are correct, the general effect of the book may easily be misleading.

Any group of thinkers can attack. It does not follow that their attacks do very much harm. Miss Godden seems to overestimate the importance of the Communist attack. She admits that English Communists are of no account, except in so far as they are linked up with International Communism. But she seems, at times, to concede far too much influence to the latter and would have us all get busy with repressive measures, utterly alien to our national habits. She forgets the inherent common sense of the British working-class and does not seem to grasp the importance of certain refusals, which she herself chronicles, of the working-class movement to become the meek tool of English Communism. She notes that "it is to the immense credit of the British unemployed men and women" that they have ignored the "Unemployed Workers' Movement." She remarks that "it is greatly to the credit of the National Joint Committee of the Labour Party, and the Trades' Union Congress, that advice should have been issued on behalf of these bodies to the local Labour Parties and the Trade Unions, to avoid the spurious, but brilliantly camouflaged British Anti-War Movement." The Labour Party and the T.U.C. have recognized "the Communist snake in the thick herbage of Pacifist propaganda."

There are other passages of a like nature in her book which go to show that Communism may attack, but its successes are insignificant. This failure of Communism needs more underlining than it receives from Miss Godden—if only because, unless it be underlined, there is grave danger that the much more serious attack, not only on Great Britain but on Christian civilization itself, that has been launched by international finance, and against which the Pope has warned the world, will be completely ignored. The real peril to Great Britain and the Christian religion is nearer home than Moscow.

T. J. F.

The Hedge Schools of Ireland. By P. J. Dowling, M.A., Ph.D. (Longmans, Green & Co. 10s. 6d.)

Dr. Dowling, who is a lay-professor at Strawberry Hill and a practical educationist, here gives us the sort of book that the general reader loves to come across. The subject is a novel one; the traces of patient and intelligent research are evident; the dry bones of scholarship live and prove attractive company. Few of us, even among those who are interested in Irish history, have more than a vague knowledge of what the Hedge School really was; and if we have read the satirical pages of William Carleton, our knowledge is probably all wrong.

In these days, when education depends so much on bricks and mortar, and furniture and apparatus, it seems a terrible heresy to say that, in eighteenth-century Ireland, children were herded into a "two-by-four" mud cottage, and were taught to appreciate the Latin and Greek classics, and even learnt a little Hebrew and a lot of mathematics. Yet it is a fact; and Dr. Dowling brings forward an impressive array of witness to prove it. But the extraordinary thing is, that it was all carried on in defiance of the law of the land; in spite of base informers and odious penalties; and so thoroughly and efficiently, that the government had to acknowledge that the penal laws against "popish" education were a failure.

Both as champions of the Faith, and as Irish patriots, the Hedge Schoolmasters deserved well of Catholic Ireland. Dr. Dowling gives interesting biographical details of individual teachers, many of whom were men of light and learning. His conclusion, that "they represented a system of education truly democratic and truly national," will not be challenged by the grateful reader.

J. R. MEAGHER.

The Spiritual Legacy of Newman. By Wm. R. Lamm, S.M., S.T.L. (Coldwell. pp. xii. and 234. 8s. 6d.)

It is gratifying to see coming from the United States one book after another dedicated to the study of Newman. Fr. Lamm here, under various chapter headings, sets out to systematize Newman's spiritual teaching, and he justifies his scheme by constant appeal to Newman's writings, particularly the Plain and Parochial Sermons. The main heads of his division are hypocrisy and (set over against this) surrender. Under these we find the familiar insistence on the danger of self-deception and the necessity of sincerity, reality, the realization of God's presence. As always in books of this type, one wonders what the Master would think of his disciple's dissection; but whether Newman had or had not any such scheme of spirituality clearly before his own mind, Fr. Lamm has succeeded in bringing his main ideas into intimate and convincing connection with Newman's writing. The book makes excellent spiritual reading.

T. E. F.

THE CHURCH AT HOME AND ABROAD

I. ROME.

BY THE REV. RICHARD L. SMITH, Ph.D., M.A.

I hope no one will object if I devote this month's notes entirely to the cause of Blessed John Fisher and Blessed Thomas More. Here in Rome our minds are so full of the subject that it is almost impossible to take much interest in anything else, and since I last wrote we have had the reading of the two decrees, the first on February 10th attesting their true martyrdom, the second on March 3rd pronouncing it safe to proceed with their canonization.

These ceremonies have been described in the Press already, but perhaps a fuller account will be of interest. Both were held in the Consistorial Hall at the Vatican, on each occasion packed to the doors. On the right of the throne sat the Cardinals, the personnel of the British Legation to the Holy See, the bishops and prelates present at the function; on the left were the officials of the Congregation of Rites, the Secretary Monsignor Carinci who read both decrees; Monsignor Natucci, the Devil's Advocate; Monsignor Traglia, his assistant, and Monsignor Dante. Opposite the throne was the Postulancy with Bishop Amigo in the middle, Padre Agostino della Vergine on his right, and the two *avvocati* on his left. Behind them, in the body of the hall, sat a very distinguished company, including on the first occasion Sir Eric Drummond, British Ambassador to the Court of Italy, and on the second Lady Drummond, herself a descendant of Blessed Thomas More.

The Holy Father looked rather tired when he came in. Monsignor Carinci advanced to the throne and received his permission to read the decree *de vero martyrio*. This he did in a clear voice which carried to the back of the hall. It was a splendid document, but all that the secular Press saw fit to extract from it was the one, perfectly accurate phrase—*libido regis exordium*—the beginning of the whole trouble was the King's lust. For the rest, practically the whole decree was taken up with a summary of the lives and virtues of these two heroes of the Faith. Then came a brief account of the cult which has survived four centuries, culminating in the remarkable outburst of last year, *mira consensione et praegrandi numero*.

With this reading of the decree, it was promulgated, and copies were immediately posted on the doors of the Cancellaria and in many church porches. It was good to see two such homely-sounding names as Fisher and More blazoned thus proudly to the people of Rome. But this in parenthesis. Monsignor Carinci made an end and, followed by the officials of the Rites, kissed the Pope's toe in token of homage to the supreme *magisterium*, which is exercised in a Canonization.

Then the Bishop of Southwark rose and stood before the throne, with the Postulator and the *Avvocati* behind him; for this speech of thanks came from the whole of England through the Postulancy. Actually it is the custom for the Postulator to make this speech himself, but on both occasions Padre Agostino generously and modestly waived his rights that representative English bishops might speak in their country's name, giving the words of thanksgiving greater force and solemnity. Monsignor Amigo told the Pope how this was all an answer to prayer: in a few concise sentences he insisted on the cause for which these martyrs died: "they could not take the oath of succession because that oath implied that the Pope was wrong in deciding the validity of the marriage of Henry VIII with Catherine of Aragon. . . . They refused, too, to acknowledge the King as supreme head on earth of the Church in England." At both of these points the Holy Father nodded his head vigorously, as also when the Bishop referred to the numbers who had come to Rome from Great Britain and Ireland during the Holy Year. Every word of this excellent speech was read in loud clear tones, and its sentiments of loyalty and gratitude to the Holy Father were echoed in the hearts of everyone there present, listening in rapt attention to the words of their distinguished spokesman.

When Bishop Amigo had finished, he too mounted the steps of the throne to kiss the Pope's toe, but the Holy Father prevented him, giving him instead his ring to kiss, and congratulating him with a large smile on the warmth of his address. As the Postulancy paid their homage, a rustle of excited whispering swept round the hall. Then a vibrant silence fell, everyone waiting tensely for the Holy Father's words.

He began slowly, groping for phrases to express the thoughts racing through his mind. But as he continued, a flush crept into his face, his eyes brightened, a smile played constantly about his mouth, and the words came readily, apt words, lofty words, that communicated his enthusiasm to his audience and raised the temperature to a burning exultation which threatened to burst into tempests of applause.

The Pope began by a short, vivid characterization of the two martyrs. His description of Blessed John Fisher on the scaffold was of poignant beauty—how the martyr called upon God to glorify him who was then glorifying God: how he gave thanks for his triumph in the *Te Deum*, and then how his last words were of humble confidence, the psalm "In Thee O Lord have I put my trust"—trust in a strength other than his own, trust too in the reward that should be his for all eternity. As the Pope said, following Saint Paul—here was a sight worthy of the admiration not only of men but of the angels themselves.

As for Blessed Thomas More, the Holy Father singled out at once his humour—and he pronounced the word twice in English—calling it a merriment which rose to heavenly heights, and which did not desert him even when he was actually in

the hands of the executioner. In a happy phrase, the Pope summed up Blessed Thomas More as the complete man—model of married life, model of public business, model of culture and scholarship, model of prayer and mortification.

So far the Holy Father had spoken eloquently but not unexpectedly. Now a note of even greater warmth sounded in his words, as he beautifully acknowledged that this Canonization was the repayment of a debt which the Apostolic See had owed for four hundred years. And he was glad—nay proud—to repay it. Entering on the fourteenth year of his pontificate to what better patrons could he dedicate it, under what stronger protection could he place it? Saint Ambrose used to picture the martyrs Gervasius and Protasius guarding him on either side. He himself—continued the Pope—found his courage renewed by the thought that these mighty English martyrs, who on earth had laid down their lives for the Primacy of Peter, would not desert Peter's successor now that they were powerful in heaven. *Tales ambio defensores!* They would stand on either hand and he was comforted.

These were moving words, and when the Holy Father embraced Bishop Amigo both of them were in tears. The whole audience burst out clapping—but really one felt almost exhausted by the charged emotion of the Pope's speech. It was impossible to give vent to so deep a thankfulness as possessed us all that day, and for many days. It accompanied one wherever one went, a soothing, warming presence—this thankfulness; one understood what it means to be blessed, to be happy, in the happy blessedness of others.

The meeting of the Congregation of Rites followed for discussion of the decree *del tuto*. No one took much notice of it: it seemed an anti-climax. I went, as before, but the matter was settled unanimously in a few minutes. The Consultors trooped in and trooped out: there was none of the former excitement; in its stead an air of general jubilee, and we were the centre of a host of congratulations. "These two great martyrs may not have worked any miracles," said one, "but the way their Cause has gone through is the greatest miracle of all. Who has worked that—you or they?"

It is interesting in this connection to notice the Holy Father's words in his speech of February 10th; for he pronounced the present process to be entirely according to the spirit and to the letter of the law: *non solo non forzando la giurisprudenza catteristica e propria di questo vero e reale "Foro dei Santi," ma anzi secondandola nello spirito, nella lettera, nell' applicazione.* This authoritative interpretation is of supreme importance for the future work of the Congregation: it establishes a precedent which it declares implicit in existing legislation. There is therefore no reason why it should not be adopted for other causes of a similar nature. And so the Postulators are hopping with excitement all over the City.

After this general Congregation, March 3rd was fixed for the

reading of the Decree *del tuto*. The ceremony was the same, and also the people who took part in it, save that Bishop Amigo's place was taken by Archbishop Hinsley who was himself Postulator of the Cause before Propaganda sent him to Africa as Apostolic Visitor. Monsignor Carinci again read the decree, this time considerably shorter. It spoke in high praise of England, *nobilem Anglorum gentem; gens illa, quae proximis hisce saeculis terra marique tam late protulit imperium; generosa Anglorum gens*. Recalling the marvellous missionary activity of Saxon England, which sent Alcuin, Saint Boniface, Saint Willibrord, Saint Burchard and a host of others to spread the Faith abroad, the decree painted, for a fleeting moment, what it would have meant for the world had England remained Catholic during the period of her Imperial expansion.

Monsignor Hinsley read the address of thanks in a voice shaking with emotion. I noticed the whole Pontifical Court listening with enthusiasm to the rolling Italian of this eminent Yorkshireman's own writing. It was really eloquent, as it proudly recalled our Catholic past, the stream of pilgrims which used to cross Europe every year *ut viderent Petrum*, ending with Henry VIII's boast on the very eve of the schism: "My England has never yielded to any other nation—nay, not even to Rome itself—in the service of God, in the Christian faith and in the obedience due to the Holy Roman Church."

One wondered how the Holy Father could add anything to his wonderful words of three weeks before. And when he began, he owned that he found it difficult, especially after Monsignor Hinsley's penetrating appreciation of his two great countrymen. But—said the Pope—in the words of Leo and Gregory the Great, this is one of those occasions when the difficulty of saying anything is overborne by the necessity of saying something.

And then, speaking with great deliberation, with perhaps a little less evident exhilaration than before, the Holy Father went on to deliver one of the most magnificent speeches of his pontificate. This time he was not painting the compelling characters of the two Beati, nor publicly avowing his personal devotion to them; but instead of those earlier tributes he drew three lessons from their lives, applied them to the present day and bade the Catholic world take heed. This accounts for the measured and magisterial tones in which he spoke: it was the Pope teaching, and that authoritative note impressed one more and more as the calm voice proceeded and the sonorous words fell one by one in unhurried regularity.

God might have seemed to have forgotten His servants for four long centuries. But this providential canonization reminds us that God is Master of the centuries, and that when He seems to allow darkness to fall, His Providence is all the while preparing the splendours of the light. In these black days when many countries are the scene of a determined attempt to destroy the works of God; in these black days when all the interests and needs of man, religious, cultural, economic, are

threatened on every side; in these black days John Fisher and Thomas More return to earth, bidding us to be of good cheer. God is still master of the centuries and His paths still lead onward to the light.

Secondly, the Martyrs have returned to encourage us in the daily martyrdom of life. It is because it is daily that it is a martyrdom, a whole host of petty martyrdoms. That constant draining of force, that constant calling on new energy, just to do the same things, just to be faithful to the same obligations, day in and day out, that is the true cross which we must take up to follow Our Lord. And that is where these Martyrs encourage us. Neither started with any especial advantage in life. But through consistent faithfulness to his duty of the moment, each climbed every rung of the ladder—to the highest position, even from a natural point of view; and from a supernatural, each built up, stage by stage, a character capable of answering the supreme call when that call came.

Lastly, the Holy Father turned to England, pointing out again the providential nature of this return to earth after so many centuries. John Fisher and Thomas More—especially after their canonization—will be held in high honour wherever their mother tongue is spoken; but to-day English has penetrated every corner of the world, so that the Empire will form a vast theatre for the easy diffusion of their glory.

And there is a still more remarkable example of providence in the coincidence of the Royal Jubilee and the Canonization. When years ago the Pope thanked his Majesty for his benevolence towards the Catholics in his dominions, it consoled the Holy Father to hear from the King's lips that they were among the most faithful of his subjects. Now these two great Englishmen have invited themselves to share in the celebrations for King George's Jubilee; "they—who have come to the splendours of this heavenly crown, deign to return in honour of that earthly crown which they always honoured, insisting that there never could be and never can be more faithful subjects than those who prefer death to the violation of their conscience."

That magnificent sentence rings in my ears yet. It is a challenge to all the calumnies that have dogged our steps since the first Carthusians were dragged out to Tyburn on their hurdles. We have been called traitors down the centuries. If our Martyrs gave their lives for the Faith, they no less truly gave their lives for their country—their country and ours. We are still looked on askance as half-English, men of a divided allegiance. And now this "foreign potentate," this "Pope of Rome," to whom we profess an "un-English" loyalty, has declared before the world that his hold over our obedience in no way detracts from the due honour and reverence in which we gladly hold our King and our beloved country. For that glorious testimony every Catholic of England should call down the choicest blessing of God upon the head of his Holiness. *Annuntio vobis gaudium magnum, habemus Pontificem.*

II. CENTRAL EUROPE.

BY C. F. MELVILLE.

1. *Special Interview with Dr. Kurt von Schuschnigg, the Austrian Chancellor.*

Dr. Kurt von Schuschnigg, the Austrian Chancellor, and Baron von Berger-Waldenegg, the Foreign Minister, accompanied by a delegation, including Herr Hornbostel, the head of the Vienna Foreign Office, paid a visit to London last month. Both the Chancellor and the Foreign Minister accorded me interviews, and Dr. von Schuschnigg gave me a special message to the CLERGY REVIEW. "Please," he said to me, "Convey my best wishes to the CLERGY REVIEW."

I asked the Chancellor if he could give me a few words on the situation in Austria from the Catholic point of view. He readily complied, and, in his opening words, emphasized the fact that the present Constitution of Austria, and, indeed, the entire organization of the State, under the present régime, in regard to the form of government, the schools, labour organizations, the youth movements, etc., was within the framework of the Papal Encyclical *Quadragesimo Anno*.

"The preamble to the Constitution," he said, "declares that the authority of the State is derived from God. We have taken *Quadragesimo Anno* as the inspiration, and within its four corners we have worked out the details of our new Catholic Corporative Constitution."

I asked whether the restoration of the Hapsburg monarchy was contemplated, and, also, in relation to the proposed Danubian Pact of Non-Interference, what would be Austria's attitude towards any proposals to make the Pact conditional upon the non-return of the Hapsburgs? Dr. von Schuschnigg replied that his Government was not contemplating any such experiments, but, at the same time, regarded the Hapsburg question as a purely internal Austrian one, and would therefore not accept any such condition being attached to the Danubian Pact. Austria, he said, would enter that Pact on terms of complete equality and reciprocity.

With regard to the Government's attitude towards the Nazis and Social-Democrats, he said that individual Nazis and Socialists were welcome to join the Patriotic Front (the Government organization) provided they were willing wholeheartedly and without reserve to accept its cardinal principles, which were: "An independent Christian Austria."

I suggested to the Chancellor that there had been a number of rumours during recent months of informal negotiations behind the scenes between the Austrian Government and the German Nazis, and that a plebiscite of the Austrian people might be held. To this he replied with a categorical denial of any such negotiation with the Nazis. "With Germany as a State, Austria as a State, can negotiate, but with the Nazis—never!" he declared emphatically; and added, with regard to the plebiscite

cite, that this would not be held until such time as there could be certainty that it would not be under the pressure of foreign propaganda.

The present phase in Austria, he continued, was not a dictatorship, but a transition towards the full implementing of the Corporative Constitution. Eventually the "estates" or "corporations" (Staende) would be elective; for the time being only, while they were being set up, they were nominated.

"Under normal conditions," he said, "*we reckon we shall be able to hold elections for our legislative bodies before long, and by normal conditions I mean being able to continue the work of Austria's political and economic reconstruction unhampered by violent disturbances from within or without.*"

Baron Berger-Waldenegg, the Foreign Minister, spoke to me on similar lines.

"In Austria," he said, "*there is complete religious toleration, but as our population is mainly Catholic, our Constitution is now naturally a Catholic one.*"

He also expressed the view that the preservation of an independent Catholic Austria was not only the best hope for Austria herself, but also for the Catholics of the German Reich.

A point of view similar to this has also been expressed in a recent issue of the Austrian Catholic review, *Christliche Ständestaat*, by a writer signing himself "A Bavarian Reader."

The writer comments favourably upon a speech which the Austrian Vice-Chancellor, Prince Starhemberg, recently delivered at Graz, saying that the sentiments expressed by the Prince must appeal to every true German. Prince Starhemberg had referred to the mistaken pan-Germanist views of some of the bureaucratic classes, which had their roots in 1866, and had stated the necessity of these classes being brought up in the spirit of Dollfuss, so that the existence of Austria as "*a Second German State*" could be thoroughly secured.

The "*Bavarian Reader*" then goes on to say that these views are held by the Non-Nazi Catholic elements in Bavaria, who regarded Prince Rupprecht as their rightful leader. He also pays a high tribute to Cardinal Faulhaber, alluding to him as "the leader of German Christendom."

Loyal Bavarians, no less than loyal Austrians, the letter continues, reject the view, held by superficially-minded Nazi adherents, that this attitude implies treachery to Germanism. On the contrary, it is necessary that through her fight for independence, Austria should show the world that her mission is to demonstrate that to be German is not to be uncultured. He sums up in the following telling and picturesque phrase: "*Austria's mission is to make it possible for Mozart's 'Marriage of Figaro' to be heard, without it being interrupted by the Horst Wessel Song*" (*dass Figaros Hochzeit nicht durch die Klänge des Horst-Wessel-Liedes gestört wird*).

I have also received, from a reliable source, some interesting

facts concerning the position of working-class organizations in the Austrian Catholic Corporative State. These facts demonstrate that the social legislation of the new Catholic Corporative Constitution is aimed not against the workers, but only against their late professional Socialist and Communist leaders.

It appears that within a few weeks of the suppression of the Social-Democratic Party a federation of Austrian workers was formed, including within its organization the one-time Social-Democratic trade unions, the Christian trade unions and various other trade unions. Men from the Christian Trade Union movement have been placed at the head of the new federation, to protect, in the spirit of Christianity and Social Justice, the interests of the workers. It is claimed that more than half of the members of the trade unions of the time before the suppression of the Social-Democrats had joined the new organization a few months ago, and that their numbers have again increased since then.

The new trade unions are not compulsory. They are voluntary organizations. Nevertheless, contracts made by them can apply for all workers, whether they be organized workers or not.

2. Yugoslavia.

A striking Lenten Pastoral Letter was recently addressed by Mgr. Bauer, the Archbishop of Zagreb, to the clergy and faithful.

The Pastoral enjoins upon the clergy and faithful of Yugoslavia to remain true to the Church and not to heed the attacks of her enemies.

"Her enemies," said the Archbishop, *"say that the Church is anti-national, and with all their force they attack the Pope and the bishops. The truth is that the Catholics of Yugoslavia are as faithful to their country as are the French, English, Spanish, German and Italian Catholics to their respective countries. But the Church will never agree that she is restricted to any one nationality or country."*

The Archbishop also announced the great religious manifestations in connection with the thirtieth anniversary of the beatification of Marko of Krizeveci, for the crowning of the Virgin of Marija Bistrica and for the Eucharistic Congress to be held at Ljubljana on the 28th and 30th of June next.

On the occasion of a recent concert of religious music, of which the proceeds were given to the poor and the unemployed, Bishop Carevic announced that help had been distributed irrespective of the religion of the recipients. He underlined the fact that the Catholic Church was the strongest support of the State and of law and order, of peace and of social justice.

Referring to a conversation he had had with the late King Alexander, *"the King, Chevalier Alexander Unifier,"* concerning the Concordat, he said that the King had declared to him: *"It is my desire. I know that half of my subjects are Catholics."*

REVIEWS FROM ABROAD

An unusually generous double number of *REVUE THOMISTE* (Saint Maximin), comprising the issues of November, 1934, and February, 1935, is entirely devoted to Cajetan, and provides material of over five hundred pages, which will be of lasting value. There are sections on Philosophy, Apologetic, Theology and Holy Scripture, chiefly by Dominican writers, which illustrate the contributions of Cajetan in the various fields of ecclesiastical learning. The most useful paper is probably that by Fr. Claverie, O.P., on Cajetan's Commentary on the "Summa Theologica" of St. Thomas, a text which is printed in the *Leonine Edition*. M. Jean Rivière writes on Cajetan's defence of the Papacy; Fr. Gillon, O.P., on his doctrine concerning the accidents in the Holy Eucharist, and Dr. J. Mayer on his position as a moralist. A section entitled "Bio-bibliographie"—a rather unusual term—written by Fr. Congar, O.P., reveals an excellent method of providing exhaustive biographical matter in a few pages. A brief synopsis of the chief chapters and events in Cajetan's life, written in the form of a memoir, is supplemented by a copious bibliography to each separate section. The reader is thus given a complete guide to all the sources, ancient and modern, including periodical literature, in which a fuller treatment may be found.

THOUGHT for March, 1935, contains a study by Dr. T. V. Moore on the *Heredity of Feeble-mindedness* stressing the complexity of the problem. We do not know how mentality is inherited nor do we know the contribution of the total environment to the mentality of the individual. It would also appear that we need not be unnecessarily disturbed by the marriage of individuals of borderline intelligence. In general, their children will approximate to the normal average. The borderline defectives are not carriers of a unit Mendelian character which is sure to produce feeble-minded offspring when properly paired. If this type of defective is properly nurtured and educated, their children will become as a rule citizens of average mentality, whose children's children will tend to approximate to normal human intelligence. Daniel J. Bellew, M.A., calls attention to the position of *Hugh James Rose* in the Anglican Revival. His influence on the Oxford Movement was much more considerable than has usually been acknowledged, and he was the first to give an effective warning against the dangers of the anti-dogmatic spirit in the establishment. He must be regarded as a pioneer in the work of bringing his fellow churchmen to a consciousness of the evils of the times. Fr. T. N. Siqueria, S.J., writes on the *Vedic Sacraments* and Regina Flannery, M.A., on *Nationalism and the Double Ethical Code*. Lawrence Lucy, B.A., contributes some reflections of *Free Will and Law*. To find an explanation for the continuance of the struggles between

the determinist and the indeterminist requires an affirmation of the freedom of the will. Neither will ever receive a unanimous vote, for the will of man is free, free even to deny the freedom of the will.

REVUE LITURGIQUE ET MONASTIQUE, n. 3, contains the first instalment of a series by Fr. D. S. Couneson, *La Messe dans la vie du Prêtre*, in the course of which is printed a letter from Cardinal Mercier, when dying, to his clergy. He stresses the importance of the priest's Mass as the chief and central act of his day. "Mes bien chers Amis, il me semble que j'ai libéré ma conscience en vous laissant cette dernière exhortation. Vous êtes devenus prêtres en vue de célébrer le saint sacrifice de la Messe. Vivre de votre sacerdoce, c'est avant tous célébrer saintement la Messe et administrer saintement les sacrements qui s'y retachent. C'est aussi rester unis à votre évêque et, par lui, au Vicaire du Christ Lui-même, pour coopérer à l'œuvre de la glorification de la très sainte Trinité et la rédemption du monde." The editors draw attention to the study of the *Rule of St. Benedict* made by MM. Schurer and Caspar, and there are the usual liturgical notes.

THE HOMILETIC AND PASTORAL REVIEW for March discusses, amongst other practical matters of interest to the clergy, the *Necessity of Installation of Pastors*, namely, a proper canonical appointment and not merely a letter or verbal intimation from the bishop. In this, as in other points, the correct observance of Canon Law is very desirable and necessary, as the absence of proper formalities may lead to doubts concerning the parish priest's jurisdiction. Fr. Martindale continues his articles on Catholic Action, and Mgr. Henry his reflections on preaching and preachers. In *Stray Notes on Panegyrics* he warns the clergy against exaggerating the unusual phenomena to be found in the lives of many saints, for example, underlining too heavily their sometimes reckless bodily mortifications, and dwelling too fondly on mystical experiences such as visions. Devotional zeal must not outrun the safeguards of theological learning or the panegyrist will leave in the minds of his hearers a wrong impression of what really constitutes sanctity.

IL DIRITTO ECCLESIASTICO, a periodical devoted largely to Marriage Laws, contains in the first number of this year, some notes by Dr. Fidele on the effect of various impediments in relation to the putative marriage, and a longish study by Dr. Forchielli, *I Controli amministrativi nel diritto canonico*.

PERIODICA DE RE MORALI ET CANONICA for December, 1934, which is only just to hand, contains an important contribution by Fr. Vermeersch, S.J., on the Sterile Period, *Prudens Revelatio Temporis Ageneseos*. His review of the medical authorities leads to the conclusion that the system is morally certain, while allowing for exceptional circumstances when it is not. *Ex objecto* it is from the moral point of view allowable. "De se limitatio ad dies ageneseos est objective indifferens. Diximus de se, quia excludimus circumstantias quae aliis diebus obligant

ad copulam. Intentio limitandi usum matrimonii iis diebus ne sequatur proles, non mutat objectum, quod manet honestum." He proceeds to show that, although objectively lawful, it may become evil from the motive of the agent or from the circumstances, and he concludes by giving some advice on the question of spreading this kind of information amongst the faithful. This is really the *cruce*, for every Catholic instinct is against the type of book, of which unfortunately there are several examples, which deals exclusively with this topic. The solution offered is one that will commend itself to every one, namely, the subject should never be dealt with separately and by itself, but only as part of a statement on the joys and obligations of Christian marriage, expounding *bonum proles* and the happiness of large families. The Holy See has made no pronouncement on the subject since the discovery of the new computation, but we would not be surprised if the Church laid down officially this rule or guidance for authors. The same number contains an exposition of Bellarmine's doctrine on *Frequent Communion* by Fr. Tromp, S.J., and a discussion on the Subdiaconate Vow by Fr. Lopez, S.J. Fr. Cappello, S.J., continues his exposition of the important Canon 858 §2 which concedes to sick persons the faculty of receiving Holy Communion not fasting in certain circumstances.

ETUDES FRANCISCAINES for February, 1935, in addition to many articles of purely Franciscan interest, contains a study by P. Célestin on a point of interpretation of the Old Testament, *Deux Critères Importants pour l'interprétation des Récits Populaires de l'Ancien Testament*. There is also an article by M. Baudry on the religious music to be heard in Paris at the present time.

EPHEREMIDES THEOLOGICAE LOVANIENSES is chiefly valuable for its admirable bibliographies in every department of ecclesiastical learning. The January number has a study by Dr. Cerfaux on the sources of the Third Gospel and Dr. Gregoire writes on *Le Messie chez Philon d'Alexandrie*.

The doctrine of the Mystical Body of Christ is occupying the attention of many writers in current periodicals. Dr. Fulton Sheen in the March AMERICAN ECCLESIASTICAL REVIEW gives an outline of the contents of a forthcoming book on the subject, and in NOUVELLE REVUE THEOLOGIQUE Fr. Mersch, S.J., writes on *Corps mystique et Humanité contemporaine*.

E. J. M.

CORRESPONDENCE

A RECENT BOOK.

Messrs. Burns Oates and Washbourne inform us that they have in active preparation a revised edition of the first volume of *The Life and Teaching of Our Lord Jesus Christ*, by Père LeBreton, S.J., of which they recently published a translation. Their attention has been drawn to several errors in translation, and particularly to a number of mis-spelt names and inaccurate references to other works quoted in the footnotes. As the number of corrections required exceeds the reasonable limits of a corrigenda slip, they have now withdrawn the first edition and a thoroughly revised edition is already in the printers' hands. The second volume of Père LeBreton's masterly work is now also with the printers, and the proofs have been subjected to the same thorough revision and comparison with the original French. Any purchaser of the first edition will be able to obtain a copy of the revised edition in exchange, post free from the firm, on returning the earlier copy of the book. The publishers wish to say, in justice to the reverend translator, that almost every review of the first volume has given high praise to the quality and the readableness of his translation.

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